



Town of Arlington Board of Selectmen

Meeting Agenda

August 17, 2015

7:15 PM

Selectmen's Chambers, 2nd Floor, Town Hall

CONSENT AGENDA

1. Minutes of Meetings: July 13, 2015
2. Reappointment: Zoning Board of Appeals
Suzanne Rivitz Spinney
(term to expire 10/1/2017)
3. Request: One Day Beer & Wine License, 9/12/15, for 2nd Annual Moonlight Beach Party @ the Arlington Reservoir
Joe Connelly, Director of Recreation
Jennifer Rothenberg, Park Commissioner
4. For Approval: Arlington Center for the Arts 16th Annual Arlington Open Studios; (1) Arts Center to be open on Sunday, October 18 from 12:00 p.m. - 5:00 p.m.; and (2) Waiver of "resident only parking" restrictions on Tufts and Foster Streets for Saturday, October 17 and Sunday, October 18.
Pamela Shanley, Arlington Open Studio Director
5. For Approval: Arlington Center for the Arts, Open Studios' Banners
Linda Shoemaker, Arlington Center for the Arts Executive Director

PUBLIC HEARINGS

6. Eversource Petition/Massachusetts Avenue
Richard M. Schifone, Supervisor Rights and Permits
(all abutters notified)

APPOINTMENTS

7. Permanent Town Building Committee
Robert J. Jefferson, Fire Chief
(term to expire 6/30/2016)
8. Council on Aging
Ann Fitzgerald
Jill Greenlee
(terms to expire 6/30/2018)
9. Vision 2020 Standing Committee
Mary Harrison

(term to expire 6/30/2016)

Annie LaCourt
(term to expire 6/30/2017)

Julie Brazile
(term to expire 6/30/2018)

10. Zoning Board of Appeals, Associate Members

Joseph Moen, Esq.
(term to expire 10/1/2016)

Patrick J. Quinn
(term to expire 10/1/2017)

LICENSES & PERMITS

11. Request: Sidewalk Cafe Permit and Alteration of Premise

Ristorante Olivio, 201 Massachusetts Avenue, Angelo DiGirolamo

12. Request: Alteration of Premise

Blog LLC, d/b/a Common Ground, 637 Massachusetts Avenue, Bob O'Guin

13. Request: Food Vendor License

Magic Bites Bakery, 916 Massachusetts Avenue, Antilla Ozkefli

14. Approval: Hackney Carriage License Renewals

Arlex Yellow Cab - Dave Lucker (Dave's Automotive Inc.)

Arlington Veteran's Taxi - Thomas Whelan

Arlmont Transportation Co. - Louis Truscello

Boston Airport Express - Shafan Nath

Boston ride - Abdullahi Magan

Leo's Taxi - Leo McHugh

Limolex.com/The Good Taxi - Daniel Kalantar

VTS - Michael Antonellis

Yellow Cab Arlex - Ron Bonney

CITIZENS OPEN FORUM - SIGN IN PRIOR TO BEGINNING OF OPEN FORUM

Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation in accordance with the policy under which the Open Forum was established. It should be noted that there is a three minute time limit to present a concern or request.

TRAFFIC RULES & ORDERS / OTHER BUSINESS

15. For Approval: Handicap Parking Sign Request

Phyllis Rickter, 88 Hemlock Street

16. Request: Two Accessible Parking Spaces, Maple Street

Carol Kowalski, Director, Department of Planning and Community Development

17. Discussion: Tree Preservation Bylaw for 2016 Town Meeting Warrant

Susan Stamps, Mary Ellen Aronow, Sally Naish

Arlington Tree Committee Members

18. Discussion: Arlington Center on Street Parking Meter Policy

Steven M. Byrne, Selectman

19. For Authorization and Approval: Notice of Activities and Uses Limitation for Buzzell Field

Douglas W. Heim, Town Counsel

20. For Discussion and Approval: Board of Selectmen Comments to MassHousing re: Site Approval
Application of Arlington Land Realty
Douglas W. Heim, Town Counsel
21. Goal Setting Update
Adam W. Chapdelaine, Town Manager

CORRESPONDENCE RECEIVED

Westminster Avenue Safety Improvements
Jim Hamilton, 138 Westminster Avenue

Amendment to Regional Agreement
David Horton, Secretary, Minuteman School Committee

Opposed to 628-Student School and District Wide Election
Len Simon, Sudbury Board of Selectmen

Victoria Road Traffic Concerns
Liz Bilafer, 15 Victoria Road

NEW BUSINESS

EXECUTIVE SESSION

Next Scheduled Meeting of BoS September 21, 2015



Town of Arlington, Massachusetts

Minutes of Meetings: July 13, 2015

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	Draft minutes 7.13.2015

**TOWN OF ARLINGTON
BOARD OF SELECTMEN**

Meeting Minutes
Monday, July 13, 2015
7:15 PM

Present: Mr. Greeley, Chair, Mrs. Mahon, Vice Chair, Mr. Dunn, Mr. Curro and Mr. Byrne
Also present: Mr. Chapdelaine, Mr. Heim and Mrs. Krepelka

Mr. Greeley asked for a moment of silence in memory of James Robillard and Edward Coughlin, both long time baseball coaches and lifelong Arlington residents.

CONSENT AGENDA

1. Minutes of Meetings: June 29, 2015
2. Reappointments: Arlington Bicycle Advisory Committee
Doug Greenfield
Ron Sender
(terms to expire 7/2018)
3. Reappointments: Permanent Town Building Committee
John Cole (term to expire 6/2018)
Allen Reedy (term to expire 6/2018)
4. Request: Special (One Day) Alcohol License
Cyrus E. Dallin Art Museum Summer Soiree Fundraiser
Sunday, August 9, 2015 6:00-8:00pm
Heather Leavell, Director/Curator
5. Request: Contractor/Drainlayer License
Sacca Group, LLC, Billerica, MA

Mr. Byrne moved approval subject to all conditions as set forth.

SO VOTED (5-0)

APPOINTMENTS

6. Tree Committee
Eric Ammondson
(term to expire 7/2018)

Mr. Dunn moved approval.

SO VOTED (5-0)

7. Introduction: Newly Appointed Member to Arlington Historic District Commissions
Margaret Capodanno (Avon Place District)
(term to expire 6/30/2018)

Mrs. Mahon moved approval.

SO VOTED (5-0)

8. Poet Laureate

Miriam Levine

(term to expire 7/2016)

The Board appointed Arlington's first Poet Laureate, Miriam Levine, at tonight's meeting.

Mr. Curro stated that while the position may not be quite as exalted as that of other great national poet laureates, he hoped Mrs. Levine will be just as inspirational to Arlington residents. Mr. Curro stated he felt the appointment of Mrs. Levine was in keeping with Arlington's long artistic tradition dating back to Cyrus Dallin.

Mrs. Levine will be having weekly office hours at Robbins Library (twice a week: one afternoon and one early evening) for aspiring poets and interested amateurs. She also will schedule regular poetry workshops throughout the year.

Mrs. Mahon stated she recalled many childhood evenings spent playing at the Levine home.

The Board stated they are all delighted with this appointment.

Mr. Curro moved approval.

SO VOTED (5-0)

9. Metropolitan Area Planning Council (MAPC) - Alternate Representative

David Fields, Technical Planner/GIS Analyst

Mr. Chapdelaine spoke in favor of appointing David Fields, Technical Planner/GIS Analyst as the alternate representative on the Metropolitan Area Planning Council.

Mr. Curro moved approval.

SO VOTED (5-0)

CITIZENS OPEN FORUM - SIGN IN PRIOR TO BEGINNING OF OPEN FORUM

Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation in accordance with the policy under which the Open Forum was established. It should be noted that there is a three minute time limit to present a concern or request.

Steven Revilak, 111 Sunnyside Avenue, asked the Board if they could help in any way with the noise at the Dilboy Stadium, especially with the Boston Militia Games. It is his understanding the Boston Militia brings a cannon to every game and fires a shot whenever they score a goal. He stated it is like having several bombs going off in your backyard.

Mr. Chapdelaine stated he had received complaints today and planned to reach out to the Mayor of Somerville directly to determine the best way of dealing with the issue.

Mrs. Mahon stated she wanted Mr. Revilak to know that she was informed by Dan Driscoll, DCR Chair, that the Sunnyside Avenue roadway project has been put out to bid. Mr. Driscoll will verify that the project was awarded and will check on the commencement status.

TRAFFIC RULES & ORDERS/OTHER BUSINESS

10. Discussion and Adopt: Selectmen's Handbook, Code of Conduct Summary and Awards, Proclamations and Events

Kevin F. Greeley, Chair

Mr. Byrne thanked the Committee (Mr. Heim, Mr. Greeley, Eve Margolis, Mary Ann Sullivan and Steven Byrne) for all their work putting together this handbook.

Mr. Curro thanked Mr. Greeley and the Committee for a great educational piece for new Selectmen.

Mr. Dunn moved approval.

SO VOTED (5-0)

11. Discussion and Vote: Regarding Scheduling a Public Hearing on the Oaktree Development Project Eligibility Application Following Updated Communications with Oaktree and MassHousing

Douglas W. Heim, Town Counsel

The Board asked Town Counsel and Chairman Greeley to negotiate a date with Oaktree Development to present full details of the proposed apartment complex on the Mugar Land adjacent to Thorndike Field. The hearing will be an opportunity for the Board and public to obtain more information about the project. Mr. Greeley stated he hopes Oaktree will expand on what it has presented to the Town in the past..

CORRESPONDENCE RECEIVED

Status of Revisions to the Regional Agreement

Ed Bouquillon, Superintendent-Director Minuteman Regional High School

Department of Energy Resources (DOER) Green Communities Award Letter

Lisa Capone, Acting Director

Green Communities Division

Mrs. Mahon moved approval of Correspondence Received.

SO VOTED (5-0)

NEW BUSINESS

Mr. Chapdelaine stated he has received 20 Applicants for the CPA Committee. Mr. Chapdelaine and Mr. Greeley will be bringing forward at least eight candidates. There are some very strong candidates and they will have choices to make.

Mr. Chapdelaine attended the fundraising on Saturday for "Chairful Where You Sit" on Saturday and purchased a "Time-Out" chair for his daughter. After he bought the chair, he was told it was hand painted, much to his surprise, by the family of Selectmen Curro.

Mr. Chapdelaine stated that as part of the Dept. of Energy Resources (DOER) Green Communities Program, the state awarded Arlington a \$240,000 grant aimed at implementing additional energy reduction initiatives in the Town. Mr. Chapdelaine stated this is the fourth grant Arlington has received from the Green Communities Program since its inception in 2010. Arlington's cumulative total is \$938,000.

Mr. Chapdelaine stated he had a tremendous week at the Harvard School of Public Health (Executive Education for Sustainability Leadership). One of the Professors was Arlington resident Dr. John Spengler; it was a great program.

Mr. Byrne stated that the Parking Implementation Governance Committee will be hearing from the vendor tomorrow regarding the new meters for the Russell Common and Water Street Parking Lots.

Mrs. Mahon stated the installation of the turf at Peirce Field will take place within a few weeks and will be ready for fall activities.

Mrs. Mahon moved to adjourn at 8:25 p.m.

A true record: Attest

Marie A. Krepelka
Board Administrator

Next Scheduled Meeting of BoS August 17, 2015

7-13-15**Documents Used**

Agenda Item	
1.	Minutes of Meetings : 6/29/2015
2.	Arlington Bicycle Advisory Committee Doug Greenfield, Ron Sender
3.	Permanent Town Building Committee John Cole, Allen Reedy
4.	Special (One Day) Alcohol License Cyrus E. Dallin Art Museum Summer Soiree Fundraiser Heather Leavell, Director/ Curator
5.	Contractor/ Drainlayer License Sacca Group, LLC, Billerica, MA
6.	Tree Committee - Eric Ammondson
7.	Newly Appointed Member to Arlington Historic Districts Commissions Margaret Capodanno (Avon Placae District)
8.	Poet Laureate - Miriam Levine
9.	Metropolitan Area Planning Council (MAPC) - Alternate Representative David Fields, Technical Planner/ GIS Analyst
10.	Discussion and Adopt: Selectmen's Handbook, Code of Conduct Summary and Awards, Proclamations and Events Kevin F. Greeley, Chair
11.	Discussion and Vote: Regarding Scheduling a Public Hearing on the Oaktree Development Project Eligibility Application Following Updated Communications with Oaktree and MassHousing Douglas W. Heim, Town Counsel
Correspondence .Received	Status of Revisions to the Regional Agreement Ed Bouquillon, Superintendent- Director Minuteman Regional High School Department of Energy Resources (DOER) Green Communities Award Letter Lisa Capone, Acting Director, Green Communities Division



Town of Arlington, Massachusetts

Reappointment: Zoning Board of Appeals

Summary:

Suzanne Rivitz Spinney
(term to expire 10/1/2017)

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	Spinney Reference

OFFICE OF THE BOARD OF SELECTMEN

KEVIN F. GREELEY, CHAIR
DIANE M. MAHON, VICE CHAIR
DANIEL J. DUNN
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

August 11, 2015

Suzanne Rivitz Spinney
33 Newman Way
Arlington, MA 02476

Re: Reappointment: Zoning Board of Appeals

Dear Ms. Spinney:

Please be advised that the Board of Selectmen will be discussing your reappointment to the above-named at their meeting to be held on Monday, August 17th at 7:15 p.m. in the Selectmen's Chambers, Town Hall, 2nd Floor. Although it is not a requirement that you attend the meeting, you are invited to be in attendance.

Very truly yours,
BOARD OF SELECTMEN

A handwritten signature in cursive script that reads "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator

MAK:fr



Town of Arlington, Massachusetts

Request: One Day Beer & Wine License, 9/12/15, for 2nd Annual Moonlight Beach Party @ the Arlington Reservoir

Summary:

Joe Connelly, Director of Recreation

Jennifer Rothenberg, Park Commissioner

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	One Day Application

TOWN OF ARLINGTON

Joseph Connelly, Director of Recreation



Recreation Division

PARK COMMISSIONERS

Jen Rothenberg
Shirley Canniff
Leslie Mayer
Don Vitters

August 4, 2015

Board of Selectmen
Town Hall
Massachusetts Avenue
Arlington, MA 02476

Dear Board of Selectmen,

Arlington Recreation and the Arlington Park Alliance would like to request the use of the Arlington Reservoir Beach for the 2nd Annual Moonlight Beach Party. The event is scheduled on Town Day Saturday, September 12, 2015. The purpose of the event is to raise funds and community awareness for our parks and open spaces.

Event coordinator and Park Commissioner Jen Rothenberg and I have been working with Officer Corey Rateau on the event details. The event safety plan and our application for a special one day liquor license are enclosed. The event was discussed with the Park Commission and approved.

Thank you for your consideration and support of this annual event.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Connelly".

Joe Connelly
Director of Recreation

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

SPECIAL ALCOHOL LICENSE APPLICATION

Name of Applicant: Arlington Parks Alliance/Arlington Recreation

Address, phone & e-mail contact information: 422 Summer Street, Arlington, MA 02474

Name & address of Organization for which license is sought: _____

Does this Organization hold nonprofit status under the IRS Code? ☐ Yes ☒ No

Name of Responsible Manager of Organization (if different from above): _____

Address, phone & e-mail contact information: 422 Summer Street, Arlington, MA 02474 - 781-316-3881, jconnelly@town.arlington.ma.us

Has the Applicant or Organization applied for and/or been granted a special liquor license this calendar year? ☐ yes ☐ no If so, please give date(s) of Special Licenses and/or applications and title of event(s). Yes we were granted one last year on September 6, 2014 for the same event.

Is this event an annual or regular event? If so, when was the last time this event was held and at what location?

This is the 2nd Annual Event, we held the event on September 6th last year

24-Hour contact number for Responsible Manager on Event date: Joe Connelly, 603-244-9274

Title of Event: 2nd Annual Moonlight Beach Party

Date/time of Event: Saturday, September 12, 2015 from 7 pm - 11 pm

Location of Event: Arlington Reservoir Beach, Lowell Street

Location/Event Coordinator: Joe Connelly and Jen Rothenberg

Method(s) of invitation/publicity for Event: Invites, electronic outreach, social media

Number of people expected to attend: 200

Expected admission/ticket prices: \$65 for individual ticket and \$120 per Couple

Expected prices for food and beverages (alcoholic and non-alcoholic): \$5 for beer and wine, \$2 for soda and water

Will persons under age 21 be on premises? no

If "yes," please detail plan to prevent access of minors to alcoholic beverages. _____

Have you consulted with the Department of Police Services about your security plan for the Event?
Yes, we have spoken with Officer Rateau

OFFICE USE ONLY

For Police Chief, Operations Commander, or designee:

Your signature below indicates that you have discussed this event with the applicant, you have reviewed the applicant's security plan, and any necessary police details have been arranged for the Event.

Off. Corey P. Rateau Date 8/12/15
Off. Corey P. Rateau
Printed name/title

POLICE COMMENTS:

Request two safety officers as stated in security plan.

What types of alcoholic beverages do you plan to serve at the Event? (Note: By State Law, all-alcohol Special Licenses are available only to nonprofit organizations.)

Beer and Wine

What types of food and non-alcoholic beverages do you plan to serve at the Event? Appetizers and Catered BBQ from Blue Ribbon

Who will be responsible for serving alcoholic beverages at the Event? Premier Bar Services

What training or certification in responsible alcohol service does this person have? Please attach certificate or other proof of training for at least one person who will have responsibility for serving alcoholic beverages at each point of service and who will be present for the entire Event.

There will be 2 servers both of whom will be over 21 and tips trained

Please list the names and dates of birth for all people who will be responsible for serving alcoholic beverages at the Event. Anyone serving alcoholic beverages must be at least 21 years of age.

Edward Garland - Tips #38942, Jim McMullen - Tips #3644869

Name of the Massachusetts wholesaler who will deliver to site? (Full supplier list available on the ABCC website: www.mass.gov/abcc) Burke or Horizon

Date of Delivery: 9/11/15

Alcohol Serving Time (s): 7pm, 9/12/15
10:30pm, 9/12/15

How, when, and by whom will excess alcoholic beverages obtained for the Event be disposed of?
Excess will be picked up and credited to the account on the following workday

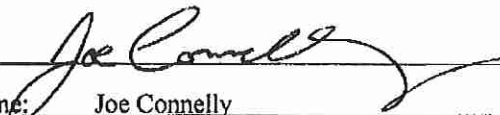
Date of Pick-Up: 9/14/2015

Please provide details (insurance company, type of policy, name of insured, and policy limits) of any relevant insurance coverage for the Event, included but not limited to General Liability and Liquor Liability insurance. (You may be asked to supply a certificate or other proof of adequate insurance coverage.)

Premier insurance to be attached

**Please submit this completed form and filing fee to the Board of Selectmen
at least 21 days before your Event. Failure to provide complete
information may delay the processing of your application.**

I HAVE READ AND UNDERSTAND ALL RULES AND REGULATIONS:

Signature: 

Printed name: Joe Connelly

Printed title & Organization name: Director of Recreation, Town of Arlington

Email: jconnelly@town.arlington.ma.us

APA Beach Party at the Res 2015
Saturday, September 12, 2015
7-11pm
Arlington Reservoir Beach

Security Plan

The 2nd Annual Beach party at the Res to support the Arlington Parks Alliance will be held on Saturday, September 12, 2015 from 7-11pm at the Arlington Reservoir. The event will be catered by Blue Ribbon BBQ and 200 people are expected to attend. Two police officers will be hired to assist with event security. All attendees will be over the age of 21 and all attendees will be screened at the door. All event participants will have a bracelet as a way to identify anyone that may have entered without being screened. The perimeter fencing abutting Lowell Street will have a windscreen attached so that alcohol sale and consumption will be blocked from the public view.

Each officer will be available to assist in the event of any issues that may arise onsite at the event. At the beginning and end of the evening, one officer will be available to assist in the parking area. The other officer will be in the fenced beach area of the reservoir to prevent any issues. Each bartender is over age 21, has a TIPS certification and no person will be over served.

There will be a clear organizational structure in place to run the event. There will be one person designated to be solely responsible for the bar and monitoring the crowd for any issues. Any issues identified will be brought to the Director of Recreation and the Police Officer in charge.

All exits will be reviewed with the attendees by the disc jockey at the beginning of the event and then periodically throughout the evening. All exits will be entirely accessible in the event of a necessary evacuation.

TIPS
eTIPS On Premise 2.0 SSN: XXX-XX-XXXX
Issued: 1/22/2014 Expires: 1/22/2017
ID#: 3644869 D.O.B.: XXXXX/XXXX

James P. McMillen
58 Fuller Rd
Wayland, MA 01778-4737

For service visit us online at www.gettips.com



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/12/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Roblin Insurance Agency, Inc. 144 Gould Street, Suite 100 Needham, MA 024942321 Roblin Insurance Agency, Inc		CONTACT NAME: Roblin Insurance Agency, Inc PHONE (A/C, No, Ext): 781-455-0700 FAX (A/C, No): 781-449-8976 E-MAIL ADDRESS:	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A : Travelers Insurance	
		INSURER B : U.S. Liability Ins. Co.	
		INSURER C : Torus Specialty Insurance Co.	
		INSURER D :	
		INSURER E :	
		INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			680-4B652113-15-42	03/11/2015	03/11/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
B	<input checked="" type="checkbox"/> Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			CL1569703B	03/11/2015	03/11/2016	
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			88915C142ALI	03/11/2015	03/11/2016	EACH OCCURRENCE \$ 9,000,000 AGGREGATE \$ 9,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y / N <input type="checkbox"/> N / A						PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Issued as evidence of Insurance.

CERTIFICATE HOLDER

ISSUEDF

ISSUED AS EVIDENCE OF
INSURANCE

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



Issued: 12/1/2014
ID#: 38942

Expires: 12/1/2015
Trainer Year: 11

Edward R Garland, Jr.
28 Saunders St
North Weymouth, MA 02191-1014

Trainer Certification Card



Town of Arlington, Massachusetts

For Approval: Arlington Center for the Arts 16th Annual Arlington Open Studios; (1) Arts Center to be open on Sunday, October 18 from 12:00 p.m. - 5:00 p.m.; and (2) Waiver of "resident only parking" restrictions on Tufts and Foster Streets for Saturday, October 17 and Sunday, October 18.

Summary:

Pamela Shanley, Arlington Open Studio Director

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	Request from Arlington Open Studios



August 15, 2015

Town of Arlington
Board of Selectmen
Arlington Town Hall 730 Mass. Ave.
Arlington, MA 02476

Dear Board of Selectmen,

Arlington Center for the Arts, in conjunction with over 80 local artists and businesses, will be hosting the 16th Annual Arlington Open Studios on Saturday, October 17 & Sunday, October 18, from 12 - 5 PM. The event is a free self-guided tour of Arlington artists' studios and their work.

The Arts Center is requesting to be open on Sunday October 18 for this public event from 12N - 5 PM. We are also requesting a waiver on the restriction for resident only parking on Tufts and Foster Streets for Saturday and Sunday from the Town Selectmen for this event.

.

Thank you for your consideration in this matter.
Sincerely,
Pamela Shanley
Arlington Open Studio Director and
Arlington Center for the Arts, Operations Manager

cc : Planning and Community Development



Town of Arlington, Massachusetts

For Approval: Arlington Center for the Arts, Open Studios' Banners

Summary:

Linda Shoemaker, Arlington Center for the Arts Executive Director

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	Banner Request Letter



June 22, 2015

Board of Selectmen
Town of Arlington
730 Mass Ave.
Arlington, MA 02476

To: Arlington Board of Selectmen

From: Linda Shoemaker, Executive Director, Arlington Center for the Arts

RE: Pole Banner Request for Arlington Open Studios, September-October 2015

The Arlington Center for the Arts requests permission to hang 6 pole banners in the Arlington Center or Broadway Plaza area(s) during September-October 2015 to promote Arlington's 16th annual Open Studios, to be held this year on Saturday and Sunday, October 17-18.

Arlington Open Studios brings together 80+ local artists, musicians and performers every year under one roof at the Arlington Center for the Arts, to showcase the depth and range of our local arts community, and to give our local artists an opportunity to show and sell their work to the public.

While we typically draw 500-800 visitors to the event each year, we still hear from many Arlington residents who have never heard of Arlington Open Studios. We hope the visibility of the pole banners will raise awareness of this important annual cultural event in Arlington.

The Arlington Commission on Arts and Culture has agreed to sponsor this request, and will be forwarding a letter of support under separate cover.

Please let me know if there is any additional information needed from ACA to proceed with this request.

Sincerely,

A handwritten signature in black ink that reads "Linda Shoemaker". The signature is fluid and cursive, with the first name "Linda" and last name "Shoemaker" clearly distinguishable.

Linda Shoemaker
Executive Director

Appended (on next page) - Initial Draft Arlington Open Studios Pole Banner – to be improved by our designer if approved!

ARLINGTON CENTER FOR THE ARTS

41 Foster Street, Arlington, MA 02474 (781) 648-6220 | www.acarts.org

**ARLINGTON
OPEN
STUDIOS
ACA**

Arlington Center for the Arts

SATURDAY & SUNDAY, 12-5pm

OCTOBER 17-18

41 Foster Street

www.ACARTS.org

ARLINGTON CENTER FOR THE ARTS

41 Foster Street, Arlington, MA 02474 (781) 648-6220 | www.acarts.org



Town of Arlington, Massachusetts

Eversource Petition/Massachusetts Avenue

Summary:

Richard M. Schifone, Supervisor Rights and Permits
(all abutters notified)

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	Engineering recommendation, Eversource request, petition, order for grant of location, map, abutter list and meeting notice, Eversource meeting notice



Engineering Division

TOWN OF ARLINGTON DEPARTMENT OF PUBLIC WORKS

51 GROVE STREET
ARLINGTON, MA 02476

Phone: 781-316-3320
Fax: 781-316-3281

Permit Type: Grant of Location

Date: August 10, 2015

Applicant: Eversource

Site Location: Massachusetts Avenue - Schouler Ct. to Highland Avenue

The Engineering Division has reviewed the attached petition by Eversource for consideration of a Grant of Location for the installation of conduit as indicated on the enclosed Engineering Design Sketch. The following recommendations and conditions are provided for consideration by the Board of Selectmen should the Grant of Location be approved for this submittal request.

Additional Conditions

1. Notification shall be provided to all abutters prior to the commencement of construction activities. This notification should summarize the activities of the project and detail potential impacts. Additional information shall be provided instructing abutters to forward questions and concerns regarding the project to the contractor or Eversource and shall include the appropriate contact information. A copy of this abutter notification shall be provided to the Town Engineer for approval prior to distribution to the public. The final distribution list shall include the Arlington DPW Dispatch Office, Arlington Public Safety Dispatch Office, Town Manager's Office, and the Engineering Division.
2. The proposed conduit installation shall be located/installed so as not to impact existing or impede future roadway improvements (i.e. curb adjustment, guardrail installation, water and sewer rehabilitation etc.) and where possible shall be located in the nearest proximity as possible with other Eversource infrastructure. If possible, the proposed duct banks shall be installed at a suitable elevation to allow additional electric conduits on top of the proposed duct bank without impacted surrounding infrastructure.
3. During construction, uninterrupted pedestrian access (or temporary pedestrian facilities) shall be provided at all times in compliance with current MUTCD requirements and/or as further directed by the Arlington Police Department.
4. Please be aware that there may be on-site utility infrastructure that is not shown on the Engineering Sketch and may be encountered in the field. If a conflict occurs between the proposed conduit installation and existing Town-owned utility infrastructure, the Town Engineer shall be contacted directly to discuss an appropriate resolution.
5. The contractor should be aware that there may also be Town-owned electric lines and or fire alarm lines in close proximity to this proposed work. It is the sole responsibility of the contractor to ensure that these utilities, if located within limits of this work, should be properly marked and protected during construction activities.
6. This work is proposed in close proximity to traffic signal infrastructure including mast arm foundation, pedestrian signal poles, signal control box and vehicle detection equipment. Care must be exercised when working around this infrastructure. It will be the responsibility of Eversource to pay for any damages or repairs to the traffic signal system caused by this work.
7. All traffic pavement markings that are disturbed by the proposed construction activities, shall be replaced/restored in-kind to the satisfaction of the Town Engineer.
8. The installation of the conduit will require additional permitting (Trench Permit and/or Street Occupancy Permit) through the Town of Arlington Engineering Division prior to the start of construction.

9. All disturbances to curbing, grass strips, sidewalk, walkways, and roadway surfaces should be repaired in kind and to the satisfaction of the Town of Arlington Engineering Division. If any existing brick sidewalk is proposed to be removed, it shall be removed and replaced in full-width and in accordance with all current ADA, AAB, & Town of Arlington Standards/Regulations.
10. The proposed work area has been recently paved and is under a moratorium for proposed work. In order to proceed with this proposed work, Eversource must commit to address pavement restoration requirements above and beyond traditional trench repair requirements required by the Department of Public Utilities DTE-88. Final restoration requirements will be determined after the trench inspection of the project area following the first winter season. Requirements may include trench grind and inlay, full lane grinding, or infrared treatment so as to reduce the impacts of the work on future road maintenance.
11. All trenching in existing pavement shall be saw-cut and roadway trenches shall be reconstructed in accordance with the Standard Details and Specifications of the Arlington Engineering Division and the guidelines issued in Massachusetts DTE 98-22 Street Restoration Standards.
12. All work within the right of way shall require the contractor to schedule and coordinate a police traffic detail. Traffic control and safety measures shall be instituted in adherence to applicable OSHA requirements, Massachusetts DOT Work Zone Safety Guidelines and Part VI of the Manual on Uniform Traffic Control Devices. A pre-construction meeting is recommended to coordinate with other on-going projects in Town.
13. All material stockpiled on roadways and/or roadway shoulders shall be protected with erosion control devices, such as silt fence and/or straw waddles. Any sediment that enters the Town drainage system as a result of this work will be the sole responsibility of the contractor to remove.
14. Equipment, staging, and stockpiles shall not be located or stored so as to interfere with intersection sight lines. The Town prefers that all materials & equipment be located no closer than 50' to an intersection where practical.
15. Areas to be utilized for the stockpiling of material or equipment shall be reviewed by the Engineering Division and/or the Police Department. Any location proposed for daytime or overnight storage of material or equipment shall be included in a work zone traffic management plan and provided to the Police Department for review. Plan may be required to be adapted during construction as work progresses.

EVERSOURCE
101 Linwood Street
Somerville, MA 02143

July 08, 2015

Town of Arlington
Board of Selectmen/Town Hall
720 Mass Ave
Arlington, MA 02476

Re: Mass Ave
Arlington
W. O. #2033670

Dear Sir:

NSTAR Electric Company d/b/a Eversource Energy respectfully requests a Grant of Location to install approximately 480 feet of conduit and one manhole in Massachusetts Avenue.

This work is necessary in order to improve the electric reliability in this area of Arlington.

If you have any questions, please call Jacqueline Duffy at 617-369-5509.

Very truly yours,



Richard M. Schifone,
Supervisor Rights and Permits

PETITION OF NSTAR ELECTRIC COMPANY FOR LOCATION FOR CONDUITS AND MANHOLES

To the **BOARD OF SELECTMEN** of the Town of Arlington, Massachusetts:

Respectfully represents **NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board of Selectmen may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located substantially as shown on the plan made

by, **A. DeBenedictis** dated May 27, 2015 and filed herewith, under the following public way or ways of said Town:

Massachusetts Ave. - Southeasterly from Highland Avenue a distance of approximately 480 feet conduit.

- Install one new manhole 30115.

W.O. #2033670

NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY

By: Richard M. Schifone

Richard M. Schifone, Supervisor
Rights and Permits

Dated this _____ day of _____, 2015

Town of Arlington, Massachusetts

Received and filed _____, 2015

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES

Town of **Arlington,** Massachusetts _____

WHEREAS, **NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town hereinafter specified, and notice has been given and a hearing held on said petition as provided by law.

Massachusetts Ave. – Southeasterly from Highland Avenue a distance of approximately 480 feet conduit.
– Install one new manhole 30115.

W.O. #2033670

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on a plan made **A. DeBenedictis** dated **May 27, 2015** on file with said petition.
2. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. All work shall be done to the satisfaction of the Board of Selectmen or such officer or officers as it may appoint to supervise the work.

1 _____
2 _____ Board of Selectmen
3 _____ the Town of
4 _____ **Arlington**
5 _____

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:-after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____, **2015** in said Town

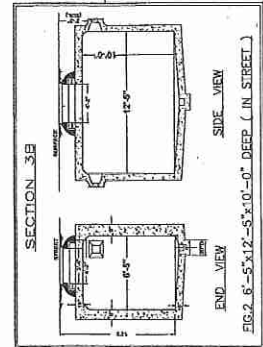
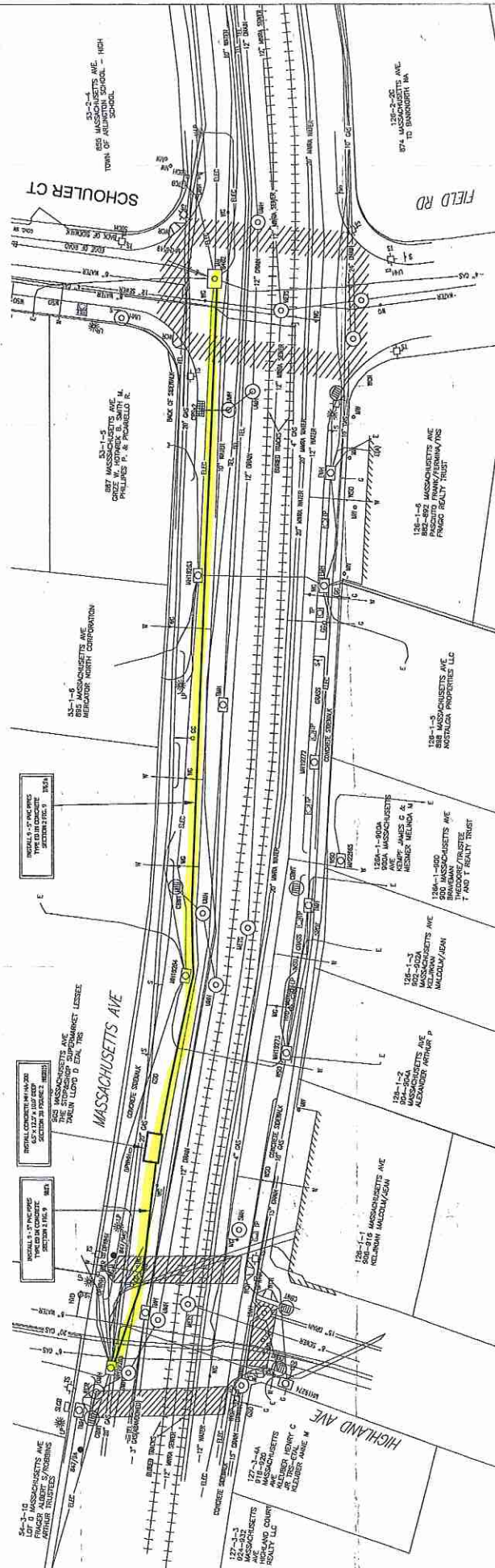
1 _____
2 _____ Board of Selectmen
3 _____ the Town of
4 _____ **Arlington**
5 _____

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the Board of Selectmen of the Town of **Arlington,** Massachusetts, duly adopted on the _____ day of _____ 2015 and recorded with the records of location Orders of said Town, Book _____ Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, as the same appear of record.

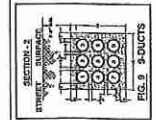
Attest: _____

Clerk of the Town of **Arlington,** Massachusetts



SECTION 3B

ITEM	QUANTITY	UNIT	PRICE	TOTAL
1. 8'-5" x 12'-5" x 10'-0" DEEP (IN STREET)	1	EA	100.00	100.00
2. 12'-0" DIAMETER	1	EA	50.00	50.00
3. 12'-0" DEEP	1	EA	50.00	50.00
4. 12'-0" DEEP	1	EA	50.00	50.00
5. 12'-0" DEEP	1	EA	50.00	50.00
6. 12'-0" DEEP	1	EA	50.00	50.00
7. 12'-0" DEEP	1	EA	50.00	50.00
8. 12'-0" DEEP	1	EA	50.00	50.00
9. 12'-0" DEEP	1	EA	50.00	50.00
10. 12'-0" DEEP	1	EA	50.00	50.00
11. 12'-0" DEEP	1	EA	50.00	50.00
12. 12'-0" DEEP	1	EA	50.00	50.00
13. 12'-0" DEEP	1	EA	50.00	50.00
14. 12'-0" DEEP	1	EA	50.00	50.00
15. 12'-0" DEEP	1	EA	50.00	50.00
16. 12'-0" DEEP	1	EA	50.00	50.00
17. 12'-0" DEEP	1	EA	50.00	50.00
18. 12'-0" DEEP	1	EA	50.00	50.00
19. 12'-0" DEEP	1	EA	50.00	50.00
20. 12'-0" DEEP	1	EA	50.00	50.00
21. 12'-0" DEEP	1	EA	50.00	50.00
22. 12'-0" DEEP	1	EA	50.00	50.00
23. 12'-0" DEEP	1	EA	50.00	50.00
24. 12'-0" DEEP	1	EA	50.00	50.00
25. 12'-0" DEEP	1	EA	50.00	50.00
26. 12'-0" DEEP	1	EA	50.00	50.00
27. 12'-0" DEEP	1	EA	50.00	50.00
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33. 12'-0" DEEP	1	EA	50.00	50.00
34. 12'-0" DEEP	1	EA	50.00	50.00
35. 12'-0" DEEP	1	EA	50.00	50.00
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52. 12'-0" DEEP	1	EA	50.00	50.00
53. 12'-0" DEEP	1	EA	50.00	50.00
54. 12'-0" DEEP	1	EA	50.00	50.00
55. 12'-0" DEEP	1	EA	50.00	50.00
56. 12'-0" DEEP	1	EA	50.00	50.00
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65. 12'-0" DEEP	1	EA	50.00	50.00
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68. 12'-0" DEEP	1	EA	50.00	50.00
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72. 12'-0" DEEP	1	EA	50.00	50.00
73. 12'-0" DEEP	1	EA	50.00	50.00
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76. 12'-0" DEEP	1	EA	50.00	50.00
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78. 12'-0" DEEP	1	EA	50.00	50.00
79. 12'-0" DEEP	1	EA	50.00	50.00
80. 12'-0" DEEP	1	EA	50.00	50.00
81. 12'-0" DEEP	1	EA	50.00	50.00
82. 12'-0" DEEP	1	EA	50.00	50.00
83. 12'-0" DEEP	1	EA	50.00	50.00
84. 12'-0" DEEP	1	EA	50.00	50.00
85. 12'-0" DEEP	1	EA	50.00	50.00
86. 12'-0" DEEP	1	EA	50.00	50.00
87. 12'-0" DEEP	1	EA	50.00	50.00
88. 12'-0" DEEP	1	EA	50.00	50.00
89. 12'-0" DEEP	1	EA	50.00	50.00
90. 12'-0" DEEP	1	EA	50.00	50.00
91. 12'-0" DEEP	1	EA	50.00	50.00
92. 12'-0" DEEP	1	EA	50.00	50.00
93. 12'-0" DEEP	1	EA	50.00	50.00
94. 12'-0" DEEP	1	EA	50.00	50.00
95. 12'-0" DEEP	1	EA	50.00	50.00
96. 12'-0" DEEP	1	EA	50.00	50.00
97. 12'-0" DEEP	1	EA	50.00	50.00
98. 12'-0" DEEP	1	EA	50.00	50.00
99. 12'-0" DEEP	1	EA	50.00	50.00
100. 12'-0" DEEP	1	EA	50.00	50.00



NSSTAR ELECTRIC
A Northeast Utilities Company
1105 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Plan of MASSACHUSETTS AVENUE
ARLINGTON
Showing PROPOSED CONDUIT AND MANHOLE LOCATIONS

Scale 1"=20' Date MAY 27, 2015
Sheet 1 of 1

BY THESE USES OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS MADE BY NSSTAR ELECTRIC, NOR ANY OF ITS AFFILIATES, FOR THE ACCURACY, COMPLETENESS, OR TIMELINESS OF THE INFORMATION CONTAINED HEREIN. YOU AGREE TO HOLD NSSTAR ELECTRIC, NOR ANY OF ITS AFFILIATES, HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST NSSTAR ELECTRIC, NOR ANY OF ITS AFFILIATES, BY ANY THIRD PARTY, IN CONNECTION WITH THE USE OF THE INFORMATION CONTAINED IN THIS MAP. YOU AGREE TO INDEMNIFY, DEFEND, AND HOLD NSSTAR ELECTRIC, NOR ANY OF ITS AFFILIATES, HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST NSSTAR ELECTRIC, NOR ANY OF ITS AFFILIATES, BY ANY THIRD PARTY, IN CONNECTION WITH THE USE OF THE INFORMATION CONTAINED IN THIS MAP.

Work Order # 2033670
Surveyed by: JF/BS
Research by: JM
Plotted by: JF
Proposed Structures: MA
Approved: A. OBERHEIMETS
P#

MASS. LAW
REQUIRES 72-HOUR ADVANCE NOTICE TO UTILITY COMPANIES
BEFORE DIGGING BY ANYONE. CALLING 800-SAFE-1-888-544-7233

887 MASS AVE 53.0-1-5.0 GRIZE W, HOTAREK B, SMITH M PHILLIPES P & PICARIELLO R 1385 HANCOCK STREET REAL ESTATE TAX DEPT QUINCY, MA 02169	895 MASS AVE 53.0-1-6.A MERCATOR NORTH CORPORATION 6 SCHOULER COURT ARLINGTON, MA 02476	925-927 MASS AVE 54.0-3-9.A V A M CORPORATION 927 MASS AVENUE ARLINGTON, MA 02476	LOT-- MASS AVE 54.0-3-10.0 ALBERT S FRAGER ROBBINS ART STOP & SHOP CO INC 1385 HANCOCK STREET REAL ESTATE TAX DEPT QUINCY, MA 02169
LOT--- MASS AVE 54.0-3-12.0 TARLIN LLOYD D ETAL TRS STOP & SHOP CO INC 1385 HANCOCK STREET REAL ESTATE TAX DEPT QUINCY, MA 02169	905 MASS AVE 54.0-3-15.0 THE STOP & SHOP SUPERMARKET NARBURY REALTY TR 1385 HANCOCK STREET REAL ESTATE TAX DEPT QUINCY, MA 02169	906-916 MASS AVE 26.0-1-1.0 KELJIKIAN MALCOLM & JEAN 1542 MASS AVENUE ARLINGTON, MA 02476	904-904A MASS AVE 26.0-1-2.0 ALEXANDER ARTHUR P P.O. BOX 442 WESTON, MA 02493
902-902A MASS AVE 26.0-1-3.0 KELJIKIAN MALCOLM & JEAN 1542 MASS AVENUE ARLINGTON, MA 02476	898 MASS AVE 26.0-1-5.A NOSTALGIA PROPERTIES LLC C/O THE HAMILTON COMPANY 39 BRIGHTON AVENUE BOSTON, MA 02134	882-892 MASS AVE 26.0-1-6.0 PASCUTO FRANK & FERMINA/TR FRAGIO REALTY TRUST 455 MASSACHUSETTS AVENUE ARLINGTON, MA 02474	874 MASS AVE 26.0-2-2.C TD BANK NA LEASE & TAX DEPARTMENT 380 WELLINGTON STREET TOWER B - 12TH FLOOR LONDON, ONTARIO, N6A
918-920 MASS AVE 27.0-3-4.A KLEUBER HENRY C JR TRS-ETAL KLEUBER ANNE M P.O. BOX 806 CARLISLE, MA 01741	900 MASS AVE 26.A-1-900.0 BRAVEMAN THEODORE/TRUSTEE T & T REALTY TRUST 14 LAKE SHORE DRIVE ARLINGTON, MA 02474	900A MASS AVE 26.A-1-900.A KEMP JAMES G MESMER MELINDA 900A MASS AVENUE ARLINGTON, MA 02474	

I hereby certify that this list
has been prepared in accordance with
Chapter 40A, Sec 14 of MGL.

Kim B. Feely

Robert E. Kirby
Robert E. Kirby
7/27/15
Date

NOTICE TO ABUTTERS

July 28, 2015

Dear Abutter:

You are hereby notified that a public hearing will be held at the **Office of the Board of Selectmen, Town Hall, 730 Massachusetts Avenue, Arlington, Massachusetts**, on the **17th of August at 7:15 p.m.** upon the Petition of **NStar Electric Company D/B/A Eversource Energy** for permission to construct, and a location for, a line of conduits and manholes, with the necessary wires and cables therein, for the transmission of electricity, under the following public way or ways of said Town; for the purpose of obtaining a Grant of Location for

W.O. #2033670

Massachusetts Avenue: Southeasterly from Highland Avenue a distance of approximately 480 feet conduit. Install one new manhole 30115.

By: *Mimi A. Krupelka*
Board Administrator

OFFICE OF THE BOARD OF SELECTMEN

KEVIN F. GREELEY, CHAIR
DIANE M. MAHON, VICE CHAIR
DANIEL J. DUNN
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

July 28, 2015

Richard M. Schifone, Supervisor
Rights and Permits
Eversource
101 Linwood Street
Somerville, MA 02143

Re: Massachusetts Avenue, W.O. #2033670

Dear Mr. Schifone:

A Public Hearing has been scheduled in conjunction with the above-captioned matter on Monday, August 17th at 7:15 p.m., Selectmen's Chambers, Town Hall, 730 Massachusetts Avenue, Arlington.

The abutters have been notified. Please call our office to confirm the date and time with either Mary Ann or Fran.

Thank you.

Very truly yours,
BOARD OF SELECTMEN

A handwritten signature in cursive script that reads "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator

MAK:fr



Town of Arlington, Massachusetts

Permanent Town Building Committee

Summary:

Robert J. Jefferson, Fire Chief
(term to expire 6/30/2016)

ATTACHMENTS:

Type	Description
▣ Reference Material	Recommendation from Permanent Town Building Committee Appointing Authority
▣ Reference Material	Jefferson Letter of Interest and Resume

July 28, 2015

Tuesday evening, July 28, 2015, at 3:30 p.m., the Chair of the Finance Committee, Board of Selectmen and School Committee met in the Selectmen's Chamber to interview three candidates for the one vacancy on the Committee.

The following motion was made by Allan Tosti, Chair, Finance Committee that Robert Jefferson be appointed for a one year term to expire June 30, 2016. By appointing Robert Jefferson as a permanent member, it created another vacancy representing the Superintendent on non-school projects and thus the group is recommending to the Superintendent of Schools that she appoint Brett Lambert as her replacement for the School Department.

On a motion by Paul Schilchtman Allan Reedy and John Cole were reappointed to a three year term expiring June 30, 2018.

Said motions were seconded by Kevin Greeley.

SO VOTED (3-0)

Mr. Greeley moved to adjourn at 4:30 p.m.

SO VOTED (3-0)

Robert J Jefferson
27 Park Circle
Arlington, Ma. 02476
781-648-3611
rjeff@yahoo.com

May 19, 2015

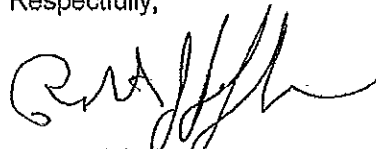
Marie Krepelka
Board Administrator
Board of Selectmen
Town of Arlington
Arlington, Massachusetts

Dear Mrs. Krepelka,

I am responding to the posting by the Board for a vacancy on the Arlington Permanent Town Building Committee. I respectfully submit my name to the Board for consideration to this appointment. Although I do not have a licensed or certified background in this field, I do have strong knowledge of construction, rehabilitation projects and working with principles on these projects. I also feel that my background as a Town Meeting Member, Department Head, and involved citizen understands the position and pulse of the Town and its financial priorities. I am enclosing my resume' and would like to let the Board know of my interest in this position. I have served on this Committee as the designee of the Superintendant for the past eight years. During that time I was appointed because of major renovation projects to all three fire stations. I was also involved in discussions concerning two phase of renovations at both Community Safety Building and the Stratton School. I have a working knowledge of the PTBC, its schedule and the commitment of time to this committee.

Thank you for your consideration in this matter and please do not hesitate to contact me with any questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'Robert J. Jefferson', written over a horizontal line.

Robert J Jefferson

enclosure

Robert J Jefferson, Fire Chief/EMT/EMD

27 Park Circle
Arlington, MA 02476
781-648-3611
rjeff1297@yahoo.com

EDUCATION

6/1992 A.S. Degree, Fire Protection and Safety Technology
Middlesex Community College, Bedford Massachusetts

6/1978 Malignon High School
Cambridge, Massachusetts

PROFESSIONAL EXPERIENCE

**1/2008-Present Fire Chief/Emergency Management Director
Town of Arlington**

Manage Fire Department for a Boston suburb with a population of 43,000 resident over 5.5 square miles. Oversee the response and mitigation of all emergency calls from medicals to fires to haz mat incidents to natural disasters. Manage a Department of 75 firefighters and officers including 2 day staff officers. Prepare, submit and oversee budgets over 5.6 million dollars. Work with the Police Chief to manage combined 911 emergency dispatch center and a repair facility for all fire and police vehicles and equipment. Work closely with other town departments and agencies to assess and address emergency services needs of the community.

**3/2006-1/2008 Deputy Fire Chief, Arlington Fire Department
Town of Arlington**

Group Commander for fire suppression and emergency response. Daily operations of department including responding to emergencies, responsible for 15-20 firefighters on duty, overseeing 3 fire stations and apparatus. Working within the incident command system and unified command.

**10/1982-3/2006 Firefighter/EMTD up to Captain Arlington Fire Department
Town of Arlington**

Captain and Lieutenant involved command over a station and /or crew of apparatus. Responsible for responding to emergencies, maintenance and care of station and apparatus, daily training and discipline, and safety of all firefighters assigned to your shift or crew. Act as or under the

direction of the Incident Commander to mitigate emergencies and protect the public and firefighters. As a firefighter performed fire suppression, prevention and education. Responded to medical emergencies and treated and transported patients to area hospital.

1/81-1/02 Supervisor – Osco Drug, Woburn, Massachusetts

Worked part time as part of a management crew supervising employees, handling cash control, merchandising of products, resolving customer complaints and performing shipping and receiving duties.

PROFESSIONAL AFFILIATIONS

- Fire Chief Association of Massachusetts, Member
- International Association of Fire Chiefs, Member
- Metro Fire Chiefs, Member

PROFESSIONAL INVOLVEMENT

- Town Meeting member, Town of Arlington 1993-Present
- Appointed Member Arlington Permanent Town Building Committee 2007-2015
- Founder and Member of the AFD Honor Guard
- Arlington Firefighters Local 1297 past president, executive board, secretary, MDA chairman, and Town day committee.
- Arlington Local Emergency Planning Committee Chairman

CERTIFICATIONS

- Massachusetts Certified Emergency Medical Technician
- Mass Fire Academy Certified S.A.F.E coordinator and instructor
- Incident Command (ICS100, ICS 200, ICS 300, ICS 400)
- National Incident Management (NIMS 700, 800)

PERSONAL ACCOMPLISHMENTS

- Arlington Firefighter of the Year Award Recipient 1985 and 1988.
- Arlington Youth Baseball and Hockey coaches
- Married, wife Gwen, 1986, Sons Daniel 1997 and Ryan 1999, Daughter Kaylee 2001

References available upon request.



Town of Arlington, Massachusetts

Council on Aging

Summary:

Ann Fitzgerald
Jill Greenlee
(terms to expire 6/30/2018)

ATTACHMENTS:

Type	Description
▣ Reference Material	Fitzgerald Reference
▣ Reference Material	Greenlee Reference



Town of Arlington
Office of the Town Manager

Adam W. Chapdelaine
Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us

MEMORANDUM

DATE: July 23, 2015
TO: Board Members
SUBJECT: Appointment to Council on Aging

This memo is to advise the Board of Selectmen of my intent to appoint Ann Fitzgerald, to the Council on Aging for a three year term that will be expiring 6/30/2018.


Town Manager

RESUME

Ann FitzGerald R.N.,B.S.N.

162 Summer Street Unit 1

Arlington, MA 02474

1963-Diploma Graduate of The Johns Hopkins Hospital School of Nursing

1964-BSN-Non-accredited -Johns Hopkins University, McCoy College

1985-BSN-accredited-Salem State College Division of Nursing

1963-1965-Staff nurse at Peter Bent Brigham Hospital
Private Duty-Central Registry, same as above

1965-1967-Staff nurse at U.S. Public Health Service Hospital, Brighton, MA.

1967-1968-Private Duty-Central Registry

1968-1974-Volunteer American Red Cross, family responsibilities

1975-1978-Staff nurse, charge nurse part-time, Normandy House, Skilled Nursing
Facility, Level I, Melrose, MA.

1978-1988-Staff nurse for Visiting Nurse and Community Health Inc, Arlington, MA.

1988-2007- The Town of Wilmington, MA, Board of Health
Staff public health nurse, responsibilities included communicable disease
surveillance and follow-up, health promotion activities, immunization
programs, screening programs, annual health fairs for senior citizens and
employees, CHNA15 grant recipient for HEALTHY WILMINGTON
INITIATIVE and ASSESSMENT 2006-2007, Well Being for Elders Home
visits

2007 Retirement

Professional Organizations

MA .Association of Public Health Nurses, MAPHN Member since inception 1998
Past president Northeast chapter, MAPHN 1996
Northeast representative, MAPHN 2003-2005
Leadership Manual Committee, MAPHN, 2000-2001
Local Public Health Institute, MAPHN representative, 1998-2007
Hepatitis B Initiative, American Academy of Pediatrics, MDPH, MAPHN rep.
Community Health Network 15 Treasurer, member of Steering Committee 2004-2007
Grant recipient CHNA15 Planning Grant 2006 HealthyCommunity
Implementation Grant 2007
Author Community Health Assessment, Wilmington 2007
Member Healthy Wilmington Coalition

Post Retirement 2007

Served COA- Arlington 2008-2014
2015 Associate Member COA 20015
Town Meeting Member since 2010 for Precinct 17
Volunteer for Senior Medicare Patrol since 2012
League of women Voters Membership Chair since 2009
Arlington Committee Preservation For Ballot-2014
Coalition to Save Mugar Wetlands-2015

Email www.annfitz@RCN.com

781-646-9711

July 9, 2015

OFFICE OF THE BOARD OF SELECTMEN

KEVIN F. GREELEY, CHAIR
DIANE M. MAHON, VICE CHAIR
DANIEL J. DUNN
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

July 28, 2015

Ann Fitzgerald
162 Summer Street, Unit 1
Arlington, MA 02474

Re: Appointment: Council on Aging

Dear Ms. Fitzgerald:

As a matter of the standard appointment procedure, the Board of Selectmen requests that you attend a meeting of the Board of Selectmen at Town Hall, Selectmen's Chambers, 2nd Floor, 730 Massachusetts Avenue, on Monday, August 17th at 7:15 p.m.

It is a requirement of the Board of Selectmen that you be present at this meeting. Your presence will give the Board an opportunity to meet and discuss matters with you about the area of activity in which you will be involved.

Please contact this office to confirm the date and time with either Mary Ann or Fran at the above number.

Thank you.

Very truly yours,
BOARD OF SELECTMEN

A handwritten signature in cursive script, reading "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator

MAK:fr



Town of Arlington
Office of the Town Manager

Adam W. Chapdelaine
Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us

MEMORANDUM

DATE: July 23, 2015
TO: Board Members
SUBJECT: Appointment to Council on Aging

This memo is to advise the Board of Selectmen of my intent to appoint Jill Greenlee, to the Council on Aging for a three year term that will be expiring 6/30/2018.


Town Manager

-----Original Message-----

From: Jill Greenlee <jillgreenlee@gmail.com>

To: townmanager@town.arlington.ma.us

Date: Thu, 28 May 2015 11:21:11 -0400

Subject: Letter of interest for Council on Aging Board

Dear Council Members,

I am writing to express interest in voluntary service for the Arlington Council on Aging Board. Though I am a professor of political science at Brandeis University, I began my career as a Professional Staff Member for the U.S. Senate Aging Committee. Working on the Aging Committee staff allowed me to engaged with a number of issues that affect older adults and

work with both public and private institutions that advocate for and serve

older adults. Admittedly, it has been many years since I have worked in this field, but my interest in aging and the elderly has remained constant.

Having moved to Arlington with my husband four years ago, I have been looking for an opportunity to become more engaged in the town; I see this position as one where I could be of great service to the community.

Please feel free to contact me via email or phone (510.469.6688) should you

have any additional questions. I have attached my CV to this email for your consideration.

Thank you,
Jill Greenlee

Attachments:

File: [Greenlee CV - February 2015.pdf](#) Size: 109k Content Type: application/pdf

JILL S. GREENLEE

Department of Politics
 Brandeis University
 Waltham, MA 02459-9110
greenlee@brandeis.edu
 Phone: (781) 736-2760
 Fax: (781) 236-2777

EMPLOYMENT

Associate Professor, Department of Politics, Women's, Gender and Sexuality Studies, Brandeis University, 2014 - present

Assistant Professor, Department of Politics, Brandeis University, 2007-2014

Professional Staff Member, U.S. Senate Special Committee on Aging, 1997-2000

EDUCATION

Ph.D. **The University of California**, Berkeley, Political Science, 2007.

Dissertation: *The Political Dynamics of Parenthood*

Laura Stoker, Chair; Jack Citrin; Taeku Lee

M.A. **The University of California**, Berkeley, Political Science, 2001

Thesis: *Prescription Drug Benefits in Medicare: A Case Study of Agenda Setting*

Judith Gruber, Advisor

B.A. **The University of Michigan**, Political Science, 1997

Highest Distinction and Honors in Political Science, Phi Beta Kappa.

Additional **University of Michigan**, Inter-University Consortium for Political and
 Training Social Research, 2002 Summer Program in Quantitative Methods

PUBLICATIONS

Langner, Carrie, Jill S. Greenlee and Grace Deason. "Identity and Activism in the Era of Politicized Motherhood." In *Mothers and Others: The Impact of Family Life on Politics*, Eds. Melanee Thomas and Amanda Bittner. University of British Columbia Press. (forthcoming).

Deason, Grace, Jill S. Greenlee, and Carrie Langner. "Mothers on the Campaign Trail: Implications of Politicized Motherhood for Women in Politics." *Politics, Groups, and Identities* Vol. 3, (2015).

Greenlee, Jill S. *The Political Consequences of Motherhood*. University of Michigan Press: 2014.

Greenlee, Jill S, Mirya Holman & Rachel VanSickle-Ward. "Making it Personal: Assessing the Impact of In-Class Exercises on Closing the Gender Gap in Political Ambition." *Journal of Political Science Education* Vol. 10. (2014): 48-61.

Nteta, Tatishe & Jill S. Greenlee. "A Change Is Gonna Come: Generational Membership and White Racial Attitudes in the 21st Century." *Political Psychology* Volume 34. Issue 6 (2013): 877-897.

Hannagan, Rebecca J., Monica Schneider, & Jill S. Greenlee. "New Research on Gender and Political Psychology: Data, Methods, and Theoretical Implications." *PS: Political Science and Politics* 45. 2 (2012): 232-237.

Greenlee, Jill S. "Soccer Moms, Hockey Moms and the Question of "Transformative" Motherhood." *Politics & Gender* 6. 3 (2010): 405-431.

WORK IN PROGRESS

The Obama Generation: Race, the Impressionable Years, and Twenty-first Century America with Tatishe Nteta. Book manuscript in preparation.

"Waiting on the World to Change? Generational Membership, the Impressionable Years Hypothesis, and White Vote Choice in Bi-Racial Elections," with Tatishe Nteta and Melinda Tarsi. Article manuscript in preparation.

"Gender and Motherhood: Politicized Collective Identities and Action" with Carrie Langner. Article manuscript in preparation.

"The Effects of Politicized Motherhood and Gender Identities on Political Attitudes and Perceptions of Political Candidates" with Carrie Langner. Article manuscript in preparation.

"Legislator and Mother: Implications for Descriptive Representation." Research plan in preparation.

CONFERENCE PRESENTATIONS AND PARTICIPATION

"Gender and Motherhood: Politicized Collective Identities and Action" with Carrie Langner, NSF and APSA Funded Conference. New Research on Gender in Political Psychology at Wooster College. October 16-18, 2014.

Invited Participant. ISPP Funded Gender and Political Psychology Workshop, Northern Illinois University, August 27-28, 2013.

Invited Speaker. "Political Implications of the New Maternalism: Weighing Short Term Costs and Long Term Benefits" with Grace Deason and Carrie Langner. Mothers and Others: Understanding the Impact of Family Life on Politics, Banff, Alberta, Canada, November 8 – 9, 2012.

"Voter and Candidate Identity: The Role of Motherhood in Political Campaigns" International Society of Political Psychology 35th Annual Scientific Meeting, Chicago, IL, July 2012.

Invited Speaker. ~~The New Politics of Parenthood: Family, Citizenship and Inequality in America~~ Today. Symposium at Bowdoin College Thursday-Friday April 5-6, 2012.

Invited Speaker. "An American Tale: Women as Mothers in the Political Sphere" at Bentley University. February 15, 2012.

"A Woman or a Mom?: The Implications of Priming Female Roles on Candidate Evaluations" with Carrie Langner. Southern Political Science Association Conference, New Orleans, LA, January 2012.

"Making it Personal: Female Students and Running for Political Office" with Rachel VanSickle-Ward, Southern Political Science Association Conference, New Orleans, LA, January 2012.

Participant and Paper Reviewer. NSF and APSA Funded Conference. New Research on Gender in Political Psychology at Rutgers University, March 4 & 5, 2010.

"Articulating Change: A Multi-method Analysis of the Effects of Motherhood on Political Attitudes" American Political Science Association Conference, Washington, DC, September 2010.

"Same as It Ever Was? The Use of "Motherhood" in Presidential Campaigns in the 1920s and 1970s." American Political Science Association Conference, Toronto Canada, September 2009.

"The Effects of Politicized Motherhood and Gender Identities on Political Attitudes and Participation" with Carrie Langner, International Society of Political Psychology 32rd Annual Scientific Meeting, Dublin, Ireland, July 2009 (See work in progress with Langner).

"The Effects of Politicized Motherhood and Gender Identities on Political Attitudes and Preferences for Collective Action" with Carrie Langner. (Poster) European Association of Social Psychology, in Groningen, Netherlands, July 2009 (See work in progress with Langner).

"Race Doesn't Matter! The Impact of Generation on White Racial Attitudes," with Tatishe Nteta, New England Political Science Association, Portland, Maine, May 2009 (See work in progress with Nteta).

"Soccer Moms and Hockey Moms: The Transformative Effect of Becoming a Mother" Midwestern Political Science Association Annual Meeting, Chicago, IL, April 2009 (See work in progress).

"Parents and Political Attitudes: Did "Family Values" Matter?," Midwestern Political Science Association Annual Meeting, Chicago, Illinois, April 2008.

"Talking About My Generation: Racial Attitudes and the Post Civil Rights Generation,"
Midwestern Political Science Association Annual Meeting, Chicago, IL, April 2008.

~~"Is There a 'Motherhood Gap'? The Impact of Parenthood on Women's Political Attitudes,"~~
American Political Science Association Conference, Philadelphia, Pennsylvania, September
2006.

"Age, Life Cycle Events, and Political Attitudes: The Consequences of Parenthood," American
Political Science Association Conference, Washington, DC, September 2005.

"Age, Life Cycle Events, and Political Attitudes: The Consequences of Marriage, Children, and
Retirement," Midwestern Political Science Association Conference, Chicago, Illinois, April
2005.

"Birthdays or Babies?: Age, Lifecycle Events, and Political Attitudes," Western Political Science
Association Conference, Oakland, California, March 2005.

"Group Interest or Self Interest: Changing Levels of Group Identity Among Older Americans,"
Western Political Science Association Conference, Portland, Oregon, March 2004.

MEDIA COVERAGE

"The Decreasing Gender Gap in Elected Office." WGBH *Morning Edition*. November 17, 2014.

"Change We Can Believe In" Andrew Sullivan, *The Dish*. October 30, 2013.

"How the Obama Presidency May Be Changing Young People's Views of Race" John Sides,
The Washington Post Monkey Cate Blog. October 23, 2013.

"Obama supporter ignites mommy wars with Romney," Lesley Clark and David Lightman,
McClatchy Newspapers, Apr 12, 2012.

"Motherhood and Politics," *The Brian Lerher Show*. WNYC. November 10, 2011. (Featured
Guest).

"As Mom Goes, so Goes the Nation: In presidential politics, talking to women as mothers is as
American as apple pie," *Brandeis Magazine*. Spring 2011. (Featured Author).

"Motherhood and Marijuana" John Sides, *The New York Times 538 Blog*. October 24, 2011.

"Motherhood and Marijuana" John Sides, *The Monkey Cage Blog*. October 24, 2011.

"Does Motherhood Change Views on Drugs?" *The New York Times Motherlode Blog*. October
24, 2011.

“Does Parenthood Change Your Politics?” Andrew Sullivan, *The Daily Beast Blog*. October 25, 2011.

GRANTS, FELLOWSHIPS, AND AWARDS

Norman Fund Semester Leave, Spring 2011

Norman Fund for Faculty Research, Brandeis University, 2007, 2008, 2009, 2010, 2013

Tomberg Research Funds, Brandeis University, 2007, 2008, 2009, 2010, 2011, 2012, 2013

Gordon Center for American Public Policy Summer Grant, Politics Department, 2010

Democracy and Cultural Pluralism Summer Grant, Politics Department, 2009, 2010

Democracy and Cultural Pluralism Small Grant, Politics Department, 2009

Charles and Louise Travers Department of Political Science, University of California, Berkeley
Continuing Student Fellowship, 2006/2007

University of California, Berkeley Graduate Division Conference Travel Grant, 2006

University of California, Berkeley Graduate Division Summer Grant, 2006

University of California, Berkeley Dean's Normative Time Fellowship, 2004

Outstanding Graduate Student Instructor Award 2002/2003

TEACHING EXPERIENCE

Professor – Brandeis University

The American Congress

Political Science Methods: Research, Design, and Modes of Analysis

Political Psychology

Introduction to American Government

Women in American Politics

Instructor - The University of California, Berkeley

Introduction to American Politics

PROFESSIONAL SERVICE

Selection Committee. ISPP Funded Gender and Political Psychology Workshop to be held at Northern Illinois University, August 27-28, 2013.

Chair. Women in the Electoral and Legislative Arenas, Southern Political Science Association

Conference, New Orleans, LA, January 2012.

Section Head for Section 30: Gender and Politics at the Midwestern Political Science

~~Association Annual Meeting, Chicago, IL, April 2011.~~

Panel Chair. Midwestern Political Science Association Annual Meeting, Chicago, IL, March. 2011

Panel Chair. Midwestern Political Science Association Annual Meeting, Chicago, IL, April 2011.

Panel Chair. Midwestern Political Science Association Annual Meeting, Chicago, IL, April 2010.

Panel Discussant. Midwestern Political Science Association Annual Meeting, Chicago, IL, April 2010.

Discussant, Midwestern Political Science Association Annual Meeting, Chicago, IL, April 2009.

Reviewer, *American Politics Research*, *Political Research Quarterly*, *Journal of Politics*, *Journal of Political Marketing*

Discussant, Political Science Graduate Student Association Annual Conference, University of California, Berkeley, 2006.

Committee Chair of the Political Science Graduate Student Association Annual Conference, University of California, Berkeley, 2005.

Founding Member, Political Science Graduate Student Association, University of California, Berkeley 2005 – 2007.

Member, Women in Political Science, University of California, Berkeley, 2005 – 2007.

RESEARCH EXPERIENCE

Robert Wood Johnson Foundation Project, Summer 2005 – Summer 2007
University of California, Berkeley with Margaret Weir

Survey Research Center, Summer 2001 – Summer 2002
University of California, Berkeley with Henry Brady

Center for the Advanced Study of Aging Services, Summer 2001 – Fall 2001
University of California, Berkeley with Andrew Scharlach

OFFICE OF THE BOARD OF SELECTMEN

KEVIN F. GREELEY, CHAIR
DIANE M. MAHON, VICE CHAIR
DANIEL J. DUNN
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

July 28, 2015

Jill Greenlee
25 Linwood Street, Apt. 2
Arlington, MA 02474

Re: Appointment: Council on Aging

Dear Ms. Greenlee:

As a matter of the standard appointment procedure, the Board of Selectmen requests that you attend a meeting of the Board of Selectmen at Town Hall, Selectmen's Chambers, 2nd Floor, 730 Massachusetts Avenue, on Monday, August 17th at 7:15 p.m.

It is a requirement of the Board of Selectmen that you be present at this meeting. Your presence will give the Board an opportunity to meet and discuss matters with you about the area of activity in which you will be involved.

Please contact this office to confirm the date and time with either Mary Ann or Fran at the above number.

Thank you.

Very truly yours,
BOARD OF SELECTMEN

A handwritten signature in cursive script, reading "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator

MAK:fr



Town of Arlington, Massachusetts

Vision 2020 Standing Committee

Summary:

Mary Harrison
(term to expire 6/30/2016)

Annie LaCourt
(term to expire 6/30/2017)

Julie Brazile
(term to expire 6/30/2018)

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	Harrison Reference
<input type="checkbox"/> Reference Material	LaCourt Reference
<input type="checkbox"/> Reference Material	Brazile Reference



Town of Arlington
Office of the Town Manager

Adam W. Chapdelaine
Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us

MEMORANDUM

DATE: July 7, 2015

TO: Board Members

SUBJECT: Appointment to Vision2020 Standing Committee

This memo is to request the Board's approval of my appointment of Mary Harrison, 28 Albermarle Street to the Vision2020 Standing Committee with a term expiration date of 6/30/2016.


Town Manager

Mary A. Harrison
28 Albermarle Street
Arlington, MA 02476
781-643-3417

❖ **Summary**

Creative professional who employs personal development, coaching, training, and problem-solving strategies to co-create organizational or individual growth and transformation. Particular expertise: depth listening, identification of hidden issues, synthesis of diverse information.

❖ **Selected Consulting Activities**

Assessed job performance skills of candidates interested in promotion or supervisory skill development. Member of assessment center team for private company.

As member of multi-disciplinary team, co-designed and instructed training of trainers workshop for directors and prosecutors from regional prosecutor training institutes in Russia. Taught experiential modules on adult learning methodologies, the psychological environment for learning, need assessment as an organization development process, and program evaluation. Co-managed the five-day training program and instruction team on-site in Moscow, Russia.

Facilitated strategic planning for neighborhood policing for two Boston Police Dept./community teams; part of city-wide Boston Police Dept. initiative. Assessed police/community strengths and problems; developed goals, strategies, and tactics for neighborhood policing. With teams, recipient of 1996 City Excellence award.

Designed and led team-development workshops for attorneys, law enforcement, child services personnel responsible for child abuse and domestic violence cases. Trained facilitators for workshop, managed and led workshop. Efforts resulted in more effective investigation and prosecution of cases in the Commonwealth of Virginia.

Designed and facilitated organization improvement workshops to help employees with diverse styles work together more effectively and creatively. Coached managers to improve teamwork.

Among clients: K-Ran Design, Inc., NorthEast Utilities, American Prosecutors Research Institute, City of Boston, BayBank, Maine Dept. of Transportation, National Institute of Corrections, California Youth Authority, California Dept. of Education.

Workshop Leader, Freelance Writer

Facilitator of listening circles for reconciliation and healing, sharing ideas and information. Workshop designer, facilitator: "Deep Listening," "Reigniting Your Inner Fire," "Sharing the Wisdom: An Intergenerational Dialog," and others. Published writer: business, feature, news articles and poems for Woburn Advocate, Wellesley Townsman, Arlington Advocate, Christian Science Monitor. 1994 New England Press Association award for environmental article.

❖ **Education**

M.P.A. (Organizational Behavior), University of Southern California
B.A. (Psychology), Wellesley College

❖ **Business Experience**

Program Director, Donahue Institute for Governmental Services, University of Massachusetts

Managed statewide, federally funded staff development program for 3200 Massachusetts Highway Dept. employees. Provided in-service training, external seminars, evening academic opportunities which prepared employees to comply with federal and state mandates, utilize new technologies, and respond to changing organizational goals. Awarded State Citation for Excellence in Performance.

Applied systems concepts to program planning and service delivery to create an organizational environment supportive of new skill application. Coached managers in use of training to create and support organization change. Increased support for use of skills. Provided organization improvement and interagency problem-solving assistance to advance organizational initiatives. Resulted in more productive relationships between federal and state agencies, work units, individuals.

Designed need assessments, formative and final evaluations, skills applications surveys. Published newsletters and tipsheets that reinforced training. Supervised six staff plus coordinators at state community colleges; developed and managed budget over \$800,000. Prepared proposals and contracts, negotiated contracts. (1980-1991)

Associate Director, Management Development for Correctional Administrators Program, University of Southern California

Designed, planned, coordinated, managed national training program for top level correctional administrators. Implemented three-week residential training program, managed and coordinated cadre of instructors, taught, provided organization diagnosis and problem-solving consultation to trainees' agencies. (1977-1980)

Senior Research Associate, Educational Programs in Corrections, University of Southern California

Designed, implemented research to identify prison inmates' educational interests and teachers' methods of delivering education in correctional institutions. Disseminated findings and resources nationwide through workshops. (1976-1977)

❖ **Presentations / Publications**

Presentation: "Strategies for Developing, Managing, and Promoting a Training Function," National Transportation Safety Training Conference, Arlington, Texas, 1986.

"Development of Bridge Carpentry Civil Service Tests and Training Program," FHWA Regional Structures Maintenance Conference Proceedings, 1985.

"Practical Applications of Systems Models and Action Research: Training and Organizational Renewal," Transportation Research Record 980, Transportation Research Board, National Research Council, 1984. Presented paper at 1983 TRB Conference in Washington, D.C.

OFFICE OF THE BOARD OF SELECTMEN

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DIANE M. MAHON, VICE CHAIR
DANIEL J. DUNN
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

July 28, 2015

Mary Harrison
28 Albermarle Street
Arlington, MA 02476

Re: Appointment: Vision 2020 Standing Committee

Dear Ms. Harrison:

As a matter of the standard appointment procedure, the Board of Selectmen requests that you attend a meeting of the Board of Selectmen at Town Hall, Selectmen's Chambers, 2nd Floor, 730 Massachusetts Avenue, on Monday, August 17th at 7:15 p.m.

It is a requirement of the Board of Selectmen that you be present at this meeting. Your presence will give the Board an opportunity to meet and discuss matters with you about the area of activity in which you will be involved.

Please contact this office to confirm the date and time with either Mary Ann or Fran at the above number.

Thank you.

Very truly yours,
BOARD OF SELECTMEN

A handwritten signature in cursive script that reads "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator

MAK:fr



Town of Arlington
Office of the Town Manager

Adam W. Chapdelaine
Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us

MEMORANDUM

DATE: August 14, 2015

TO: Board Members

SUBJECT: Appointment to Vision2020 Standing Committee

This memo is to request the Board's approval of my appointment of Annie LaCourt, 48 Chatham Street to the Vision2020 Standing Committee with a term expiration date of 6/30/2017.


Town Manager

Annie LaCourt

48 Chatham Street, Arlington, MA 02474

Tel: 781-641-2918

Cell Phone: 617-694-9895

Please communicate by email to annie@lacourt.net

Skills	<ul style="list-style-type: none"> • Excellent at developing customer relationships, managing expectations and translating requirements into system design. • Superior oral and written communications. • Skilled at managing development plans and schedules over the full development life cycle. 12 years of programming experience. • Highly proficient at business/systems analysis, conceptual database design and conversion of data from legacy systems including gap analysis. • Superior project management skills. <p>Certified Salesforce Administrator, Certified Salesforce Developer</p>
Narrow Bridge Consulting <i>July 2013 to present</i>	<p>Principal Consultant Projects include:</p> <ul style="list-style-type: none"> • Performed research and analysis on the requirements for a HUD compliant counseling addition to HomeKeeper for the Cornerstone Partnership. Deliverables included preliminary assessment of the market and top level applications requirements document. • Served as product owner for development of a rental compliance monitoring tool for Cornerstone Partnership. Responsibilities included developing requirements, working with the development team to turn the requirements into sprints in Jira, recruiting and managing and advisory team of subject matter experts, testing and acceptance, and, currently, leading a product pilot. • Lead consultant on a project to convert the data systems of the Society of Saint John the Evangelist from a server based set of applications centered on Donor Perfect to a cloud based suite of products based on Salesforce. Responsibilities include working with the IS director for SSJE to gather requirements, develop transition plans, assess and choose applications, ETL legacy data, implement and test applications, and train/coach staff as needed. New application suite includes Salesforce NPSP, Brickworks, Form Assembly and a potential connector to Quickbooks. • Served as consultant on several customization projects for HomeKeeper clients that involved ETL of legacy data, requirements development and configuration of Salesforce. Several projects involved small Apex programming projects. • Subcontracted as principal consultant on a variety of projects for Exponent Partners. Exponent is a consultancy that specializes in Salesforce implementations for non-profits. Projects involved data transformation, third party tool integration and staff training in addition to custom configuration of Salesforce.
Visual Government <i>July 2013 to present</i>	<p>Partner Visual Government is a small start up firm whose principal mission is to assist municipal governments and other entities in making their financial and other data transparent to constituencies and stakeholders thru online interactive visualizations. Our current product is Visual Budget which is an open source tool that allows entities to post an interactive visualization of their budget to the web. I am principally responsible for sales and marketing. I also work with the development team on product design and coordinate implementation for clients. www.visggo.com. Check out ArlingtonVisualBudget.com to see the tool in action.</p>
The Housing Partnership	<p>Director of Community Information Responsible for evaluating, implementing and continuously improving information systems infrastructure for The Housing Partnership Network. The Housing Partnership Network is a national consortium of</p>

<p>Network, Boston MA</p> <p><i>September 2009 to July 2013</i></p>	<p>affordable housing non-profits. Accomplishments included:</p> <ul style="list-style-type: none"> • Lead the evaluation selection and implementation of an on line community of practice for HPN's member organizations. • Implemented organization wide use of Salesforce as a central database platform for HPN and its subsidiary businesses. Served as system administrator for Salesforce and lead various projects to configure applications within Salesforce to meet the needs of HPN's business units • Managed ongoing development of the Strength Matters performance benchmarking data warehouse including collaborating with the sponsors, designers, developers and users on the development of a web based data visualization interface. • Implemented and administered other critical information systems including the Policy Map GIS tool and identity management software from Okta.
<p>YouthBuild USA, Somerville, MA</p> <p><i>October 2005 to February 2009</i></p>	<p>Senior Information Systems Manager</p> <p>Responsible for the management all aspects of the software and hardware infrastructure for YouthBuild USA.. YouthBuild USA is a national non-profit organization that sponsors and supports a network of affiliated Youthbuild programs in 226 locations throughout the US, working with disconnected youth by providing technical assistance, training and support for program staff and graduates at all sites.</p> <p>Accomplishments included:</p> <ul style="list-style-type: none"> • Worked with the Director of Knowledge Management and the Director of Data Management to land a million dollar contract with the Department of Labor to provide technical support for data collection for DOL YouthBuild grantees. • Implemented organization-wide use of the Kintera CRM system, including data loading, training, support and protocol design. Achieved near total adoption over the life of the project. • Redesigned the server infrastructure and managed the specification and installation of a new phone system to provide better remote access for users and increased up-time overall. • Lead an organization-wide effort to incorporate web 2.0 tools and social media into the work of Youthbuild including implementation of an online meeting manager, launch of a MySpace page for YouthBuild graduates and the incorporation of Community Server into our content management system to support the development of communities of practice. • Created a disaster recovery plan for communications continuity, systems recovery and off-site information storage. Plan calls for no loss of up-time for all YouthBuild communications and data systems and no loss of critical documentation during a catastrophic event. • Instituted a software review process designed to assist staff in evaluating and choosing software tools to meet their needs for on-line training and support, collaboration, and communication with remote teams. • Worked with the Director of Data Management on major upgrades of several proprietary software applications. Created specifications, designed quality assurance tests and instituted a standard release process to reduce down time as components were installed. <p>Oversaw the technology component of a complete renovation of Youthbuild's offices including the design and installation of AV systems for a new multi-space conference room. Project involved moving 70 computers and phones in the space several times over the course 2 months. All technology aspects were handled with minimal disruption and down time for staff.</p>
<p>Boston Private Industry Council, Boston, MA</p> <p><i>November 2004 to October 2005</i></p>	<p>Data Services Manager</p> <p>The Boston Private Industry Council is a non-profit organization that serves as the workforce board for Boston. The centerpiece of its mission is helping Boston Public High School students reach their potential through work experiences. Responsibilities included managing the development of custom applications, evaluating potential third party solutions and creating and executing a strategic technology plan.</p> <p>Accomplishments included:</p> <ul style="list-style-type: none"> • Designed and developed a desktop application to assist career specialists in managing student cases and submitting job placements • Evaluated and chose a third-party solution for the many survey's PIC conducts • Worked with the Workforce Board team to develop an in-house data repository from the three career centers PIC charters in order to provide better and more flexible analysis of results. • Assisted with the development of reports to support a two year planning initiative dealing with high school drop outs supported by a Gates foundation grant • Initiated and mentored upgrading the skills of a three person staff to enable moving the PIC's data infrastructure from Microsoft Access to SQL server with a web front end. •

Consultant <i>July 2003</i> <i>to</i> <i>June 2004</i>	<ul style="list-style-type: none"> ▪ Installed a new Windows 2003 server and assisted in the implementation of an Ebase donor management system for Women's Action for New Directions ▪ Worked on various database projects for state legislature political campaigns. ▪ Assessed donor and volunteer management systems for The Housing Corp. of Arlington.
KLD Research and Analytics Inc Boston, MA <i>July 2002</i> <i>to</i> <i>May 2003</i>	Director of Systems and Technology <p>KLD is an investment research firm that specializes in creating web-enabled profiles of the social behavior of publicly held corporations. Responsibilities included supervising the full development life cycle, coordinating software maintenance for released products and administration of the entire corporate technical infrastructure. Managed a team of 2 programmers, a network manager and a business analyst.</p> <p>Accomplishments included:</p> <ul style="list-style-type: none"> • Worked with the Director of Marketing to create a product development process where none had existed. Jointly presented the process plan and rolled it out to the Marketing and Systems and Technology teams. • Shepherded the new release of Socrates (KLD main product) from the conceptual stage thru requirements gathering and specification into the implementation phase. Mentored the Socrates Product Manager in the writing of a concise business requirements document and assisted the business analyst in guiding meetings with developers in order to achieve the desired understanding of those requirements. Presented development plans to management and the board of directors. • Sourced a new customer relationship management tool resulting in the installation and customization of Salesforce. Performed analysis of company wide needs for sales and contact management. Wrote a buy/build analysis. Created the implementation plan and lead the project. • Assisting in the reorganization of the company, including budget creation and strategic planning as part of the management team.
Intelevent Systems Inc. Arlington, MA <i>Dec. 2000</i> <i>to</i> <i>March 2002</i>	Vice President of Product Development <ul style="list-style-type: none"> • Intelevent is a California-based software company offering an event/inventory management package for entertainment industry rental and production companies. After Arabesque was acquired by Intelevent, I assumed responsibility for system development, coordinated software maintenance for released products with the software support team, assisted the major account sales team and specified all custom work for existing clients.
Arabesque Software and Consulting Arlington, MA <i>1988</i> <i>to</i> <i>December, 2000</i>	President and founder. <p>Arabesque offered a business/inventory management package called RPM for rental and production companies in the entertainment field, especially lighting and sound equipment rental companies. I started the company from a home office with \$5000.00 in capital, organized the business, developed a strategy and recruited a team. When the company was sold to Intelevent it was a \$500,000 year enterprise with 6 employees and 150 client companies throughout the US and Canada.</p> <p>Over the course of the company's 12 years of existence:</p> <ul style="list-style-type: none"> • Designed, developed and alpha tested the original DOS based version of RPM. • Located and cultivated two beta test sites and worked with them intensively to iteratively improve the beta version of RPM before launching the product. • Designed an initial marketing campaign, executed it and managed sales. • Developed a customer service program and managed all software maintenance and support functions including hiring and training support technicians. • Designed and specified the implementation of a MS Windows version of RPM, hired and supervised 2 programmers to execute the development of the new version and managed the release process. • Performed all business management functions for 7 years before first hiring an office manager/bookkeeper and then a business manager • Successfully negotiated the sale of the company to Intelevent and managed the merger.
Consultant to NBC Olympics Division	Consultant for Software Design, Development Management <p>Acting as a design consultant, did the initial systems analysis, user requirements gathering, data design and functional specification for the inventory management system to be developed for the NBC Olympics Division. For the Sydney Olympics alone, the system needed to handle planning, purchasing, receiving, inventorying, shipping, assembling and installation of an estimated \$45 Million in television broadcasting equipment</p>

1998 to 2000	<p>Accomplishments included:</p> <ul style="list-style-type: none"> • Led staff meetings to elicit system requirements, presented progress and worked with individual engineers and managers to ensure that all aspects of the Olympics planning, procurement and production process were accurately described. • Identified design solutions for complex data representation problems for an inventory consisting of components and assemblies of components. <p>As development management consultant, acted as a liaison between the NBC Olympics staff and the software developers, SourceSmith Industries of Vancouver, BC. Ensured that user concerns were heard, and acted as the arbiter of disputes arising from 'requirements creep'.</p>
Other	<ul style="list-style-type: none"> • Treasurer, Arlington Education Foundation • Member Arlington Board of Selectmen 2005 to 2012 • VP Of Finance for Temple Shir Tikvah, Winchester MA • Habitat for Humanity Coordinator for Temple Shir Tikvah, 2000 to the present • Member, Information Systems Advisory Committee, Town of Arlington 2003-2005
Education	<ul style="list-style-type: none"> • 1980; B.A. (Theatre) University of Wisconsin, Madison, WI • 1986; M.F.A. (Technical Design and Production) Yale School of Drama, New Haven, CT

OFFICE OF THE BOARD OF SELECTMEN

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730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

August 10, 2015

Annie LaCourt
48 Chatham Street
Arlington, MA 02474

Re: Appointment: Vision 2020 Standing Committee

Dear Ms. LaCourt:

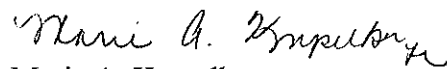
As a matter of the standard appointment procedure, the Board of Selectmen requests that you attend a meeting of the Board of Selectmen at Town Hall, Selectmen's Chambers, 2nd Floor, 730 Massachusetts Avenue, on Monday, August 17th at 7:15 p.m.

It is a requirement of the Board of Selectmen that you be present at this meeting. Your presence will give the Board an opportunity to meet and discuss matters with you about the area of activity in which you will be involved.

Please contact this office to confirm the date and time with either Mary Ann or Fran at the above number.

Thank you.

Very truly yours,
BOARD OF SELECTMEN


Marie A. Krepelka
Board Administrator

MAK:fr



Town of Arlington
Office of the Town Manager

Adam W. Chapdelaine
Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us

MEMORANDUM

DATE: August 7, 2015

TO: Board Members

SUBJECT: Appointment to Vision2020 Standing Committee

This memo is to request the Board's approval of my appointment of Juli Brazile, 56 Coolidge Road to the Vision2020 Standing Committee with a term expiration date of 6/30/2018.


Town Manager

Juli Brazile

56 Coolidge Road, Arlington, MA 02476

juli@brazile.net ♦ Cell: 781-608-6308 ♦ Home: 781-641-3433

Volunteer Work

Arlington Recycling Committee – I have served as a Co-Chair since 2009. My personal focus for the past several years has been to improve meeting efficiency and explore ways for volunteers to work with the committee outside of monthly meetings, which may not fit into personal schedules.

Town Meeting Member, Precinct 12

In 2010 and 2011 I served on the leadership team for two critical local projects:

Bridge the Gap raised \$600,000 in about 10 weeks to save critical programs for the schools. The team created the materials and the concept for engaging the community and channeling a wide range of ideas into money-making and visibility efforts. We had an online auction, two benefit concerts, several huge yard sales, and dozens of smaller efforts for which we provided PR assistance or signage.

Yes for Arlington override campaign in 2011. I led the messaging team for a \$6.5 million dollar increase to fund a multi-year budget plan. My team handled the design and content of the website and printed materials, printing, letters to the editors, op-eds, social media and emails to volunteers and supporters.

Parent Boards – I spent 13 years serving on the parent boards, usually as Chair or President, for my children's preschool and after-school programs. These boards set policy, hired senior staff, set rates and, in the case of the after school program, handled the accounting and billing functions and the registration process and wait list. I handled layoffs, created forms and procedures, dealt with health crises and worked to fundraise.

PTO Projects – highlights of my work as an elementary school parent

- ran annual book sale through Scholastic, three years
- co-chair of committee to improve parent involvement with more coordination and a process for CORI checks
- school volunteer coordinator (paid a stipend under the Kindergarten grant) to address transition issues for incoming K and 1st grade families
- general outreach as a tour guide for new families

I currently serve on the Advisory Board for two statewide organizations:

Toxics Action Center – A grassroots organization that helps citizens facing pollution threats and advocates for sound environmental policy.

Stand for Children – supports parents, teachers and community members who advocate for school funding or policy changes, both at the local or state level.

Employment

Parish Administrator – Church of Our Saviour, Arlington 2004-2009
I was the office staff. Working 20 hours a week, I laid out service bulletins, provided support to the Rector and Vestry, and handled a variety of special projects including upgrading to new parish management software, working with a team on website design, and writing Christmas pageant scripts.

Project Manager – Andrew D. Lee & Co. 1999-2001
This was a small scale insurance operation and I the senior sales assistant, helping clients understand the insurance paperwork, training junior staff, upgrading procedures for following applications through underwriting and assisting the analyst with the design of client presentations.

Executive Assistant – The Heritage Organization 1988-1998
Because of my background as a legal assistant, I was hired to work with the president of a firm that sells very large life insurance policies to family business owners. As the firm expanded into selling variable life insurance, I obtained multiple NASD licenses (Series 24, Series 27, Series 6/7) so I could manage an in-house securities training program and oversee compliance. At various times over the ten years I served as a liaison between departments to manage workflow on time-sensitive, complex insurance sales involving multiple carriers. I developed particular expertise assisting with the negotiation of unusual compensation structures and brokerage contracts.

Legal Assistant – Vinson & Elkins 1986-1988
Following in-house training, I was assigned to assist civil litigators with drafting legal filings, summarizing depositions and preparing exhibits for trial.

Junior Account Executive – McDaniel & Tate 1985-1986
This entry-level position for a small PR firm gave me a chance to work with the principals on a wide variety of projects. I learned about graphic design, printing, press releases, pitching a story and event planning.

Education

Rice University, BA English, 1985

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TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

August 10, 2015

Juli Brazile
56 Coolidge Road
Arlington, MA 02476

Re: Appointment: Vision 2020 Standing Committee

Dear Ms. Brazile:

As a matter of the standard appointment procedure, the Board of Selectmen requests that you attend a meeting of the Board of Selectmen at Town Hall, Selectmen's Chambers, 2nd Floor, 730 Massachusetts Avenue, on Monday, August 17th at 7:15 p.m.

It is a requirement of the Board of Selectmen that you be present at this meeting. Your presence will give the Board an opportunity to meet and discuss matters with you about the area of activity in which you will be involved.

Please contact this office to confirm the date and time with either Mary Ann or Fran at the above number.

Thank you.

Very truly yours,
BOARD OF SELECTMEN

A handwritten signature in cursive script, reading "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator

MAK:fr



Town of Arlington, Massachusetts

Zoning Board of Appeals, Associate Members

Summary:

Joseph Moen, Esq.
(term to expire 10/1/2016)

Patrick J. Quinn
(term to expire 10/1/2017)

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	Request from ZBA to appoint Associate Members
<input type="checkbox"/> Reference Material	Moen Letter of Interest, Resume, Meeting Notice
<input type="checkbox"/> Reference Material	Quinn Resume, Meeting Notice

From: Pamela Heidell <pamelaheidell@gmail.com>
To: mkrepelka@town.arlington.ma.us
Cc: Mike Byrne <MByrne@town.arlington.ma.us>, Ashley Maher <AMaher@town.arlington.ma.us>, Rick Vallarelli <RVallarelli@town.arlington.ma.us>
Date: 06/24/2015 06:25 PM
Subject: ZBA Associate Members and appointments

Hello Marie,

My colleagues on the ZBA and I believe it would be very beneficial if two associate members are appointed to join us on the Board. Per 10.10 of the Bylaw, the Board composition is to include five members and two associate members. Having associate members would be helpful in the infrequent situation where a regular member cannot attend a hearing. It would also provide an opportunity to gain additional insights and contributions from associate members, and is particularly timely given the cases that will soon be before the Board.

Regards,
Pam Heidell, ZBA Chair

Joseph T. Moen, Esq.

92 Palmer Street
Arlington, MA 02474
Tel: 781-646-2937
joemoen@gmail.com

July 31, 2015

Board of Selectmen
730 Massachusetts Avenue
Arlington, MA 02476

RE: Zoning Board of Appeals Associate Member Vacancy

Dear Members of the Board:

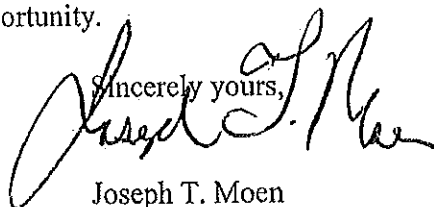
Please accept this letter to express my interest in serving as an associate member of the Town of Arlington Zoning Board of Appeals. I have also provided a copy of my résumé for your review.

The primary responsibility of a member of the Zoning Board of Appeals is to balance the mandates of state and local laws with private rights and interests for the betterment of our community. My professional experience and training as an attorney will allow me to effectively serve in this role. For example, I have successfully represented a client in a special permit application before the zoning board of appeals of a large municipality in western Massachusetts. As a result, I understand the level of organization and preparation required in making such applications and the importance of listening to community stakeholders. As an associate member of the Zoning Board of Appeals, I will appropriately demand the same, as the circumstances require, from applicants in the Town of Arlington.

In addition, civic engagement and commitment to public interest is crucial to the continued development a community and improving the lives of its members. In the past, I volunteered my professional services to indigent clients through Community Legal Aid's Fair Housing Project and spent hundreds of hours protecting the rights of vulnerable individuals and families against discrimination and poor housing conditions in Worcester. I respectfully offer my professional skills and commitment to community development to the Town of Arlington.

If you have any questions about my candidacy or would like to meet with me in person, please contact me at your earliest opportunity.

Sincerely yours,



Joseph T. Moen

w/ attachment
Cc: Marie Krepelka

Joseph T. Moen, Esq.

joemoen@gmail.com

92 Palmer Street
Arlington, MA 02474
Tel: 781-646-2937

ADMISSIONS:

Massachusetts, New York, New Hampshire, U.S. District Court for the District of Massachusetts

APPOINTMENTS:

Massachusetts Notary Public

EXPERIENCE

Atkins Callahan, PLLC

Associate, Londonderry, NH March 2014 - Present

- NH-based firm with offices in Peterborough, NH, Londonderry, NH, and Hyannis, MA offering a wide array of services, including commercial arbitration, real estate, and civil litigation
- Representation of one of the largest workwear and textile companies in North America in numerous commercial contract disputes
- Representation of clients in private arbitration proceedings and civil actions in the Massachusetts courts
- Negotiate and draft leases for commercial retail clients in Massachusetts, including nearly 9,000 square feet on the ground floor of Downtown Crossing building
- Represented client in successful pursuit of special permit before zoning board of appeals
- Represent clients in various eviction proceedings

The Fleischman Law Firm

Attorney, New York, NY February 2013 - February 2014

- Provided remote litigation support for consumer and securities class action litigation boutique
- Assisted attorneys with large discovery project related to violations of Commodity Exchange Act and breach of common law fiduciary duties
- Prepared deposition review in various mislabeling actions against publicly traded food and beverage companies

Aframe & Barnhill, PA

Attorney, Worcester, MA July 2012 - December 2013

- Consumer bankruptcy firm representing debtors in Chapter 7 and 13 bankruptcy petitions
- Drafted memorandum interpreting "hanging" paragraph of §523(a) and definition of "return" in support of tax debt dischargeability on issue of first impression in Massachusetts
- Draft Superior Court Rule 9A motions and District Court matters
- Represented debtors and creditors in various District and Superior Court hearings

Grant & Eisenhofer, PA

Summer Associate, New York City, NY Summer 2010

- Nationally recognized plaintiff's firm specializing in securities, corporate governance & antitrust litigation
- Compiled research to assist in the valuation of damages in mortgage-backed securities actions
- Researched consumer fraud laws of various states and suit under Federal Tort Claims Act
- Searched public filings for comparable sales data to place a market value on an improper property sale

VOLUNTEER ACTIVITY:

Worcester Fair Housing Project at Community Legal Aid, December 2011 - July 2012; Assisted indigent clients in prosecuting housing discrimination claims and defending evictions in Worcester Housing Court

INTERESTS:

Active in skiing, hiking, running and basketball. Northern Italian food and wine.

EDUCATION

Western New England University, School of Law, Springfield, Massachusetts; Juris Doctor, 2011

Distinctions/Activities:

Judicial Extern, Hon. Henry J. Boroff of the United States Bankruptcy Court, District of Massachusetts

Student Attorney, Western New England University School of Law Small Business Clinic

State University of New York at Albany, Albany, New York; Bachelor of Arts, Major in English, 2007

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TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

August 11, 2015

Joseph Moen, Esq.
92 Palmer Street
Arlington, MA 02474

Re: Appointment: Zoning Board of Appeals, Associate Member

Dear Mr. Moen:

As a matter of the standard appointment procedure, the Board of Selectmen requests that you attend a meeting of the Board of Selectmen at Town Hall, Selectmen's Chambers, 2nd Floor, 730 Massachusetts Avenue, on Monday, August 17th at 7:15 p.m.

It is a requirement of the Board of Selectmen that you be present at this meeting. Your presence will give the Board an opportunity to meet and discuss matters with you about the area of activity in which you will be involved.

Please contact this office to confirm the date and time with either Mary Ann or Fran at the above number.

Thank you.

Very truly yours,
BOARD OF SELECTMEN

A handwritten signature in cursive script that reads "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator

MAK:fr

Patrick J. Quinn
223 Massachusetts Ave.
Arlington, MA 02474
Phone # 781-439-4031
Patrick@QuinnGroupIns.com

EXPERIENCE:

01/2000 – Present Quinn Group Insurance Agency Arlington, MA

President:

- Responsible for day to day operations
- Prepare financial and tax reports
- Coordinated employee benefits packages
- Assist clients with complex insurance issues
- Supervised staff of fifteen employees
- Managed sales staff
- Grew agency 1200% over thirteen year period

1998-2000 Insurance Management Consultants Cambridge, MA

Sales:

- Commercial Insurance
- Personal Insurance
- Health Insurance
- Dental Insurance

1991-1995 United States Marine Corps

Honorably Discharged

Patrick J. Quinn
223 Massachusetts Ave.
Arlington, MA 02474
Phone # 781-439-4031
Patrick@QuinnGroupIns.com

BOARDS & COMMITTEES:

- Arlington Chamber of Commerce – Board of Directors
- Winchester Chamber of Commerce –Prior Board of Directors
- Insurance Library of Boston – Trustee
- Commonwealth Automobile Reinsurers – MAIP Steering Committee
- Griffin Photography Museum – Board Member
- Massachusetts Association of Independent Insurance Agents – Legislative Committee
- Member of the Rotary Club of Winchester
- Board member – Treasurer – NEMLEC (Northeast Law Enforcement Council)
- Marine Corps League - Member
- Capital Square Business Association – Member
- Toys for Tots
- Arlington Youth Hockey – Supporter
- Armstrong Ambulance Service – Board Member

EDUCATION:

University of Massachusetts – Criminal Justice

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TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

August 11, 2015

Patrick J. Quinn
223 Massachusetts Avenue
Arlington, MA 02474

Re: Appointment: Zoning Board of Appeals, Associate Member

Dear Mr. Quinn:

As a matter of the standard appointment procedure, the Board of Selectmen requests that you attend a meeting of the Board of Selectmen at Town Hall, Selectmen's Chambers, 2nd Floor, 730 Massachusetts Avenue, on Monday, August 17th at 7:15 p.m.

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Thank you.

Very truly yours,
BOARD OF SELECTMEN

A handwritten signature in cursive script that reads "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator

MAK:fr



Town of Arlington, Massachusetts

Request: Sidewalk Cafe Permit and Alteration of Premise

Summary:

Ristorante Olivio, 201 Massachusetts Avenue, Angelo DiGirolamo

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	Sidewalk application.inspection packet

PERMIT APPLICATION REPORT

Type of License: SIDEWALK CAFE PERMIT & ALTERATION OF PREMISE

Name of Applicant: Angelo DiGirolamo d/b/a Ristorante Olivio

Address: 201 Mass. Ave.

The following Departments have **no objections** but have made comments or conditions regarding the issuance of said license: (see attached)

- Board of Health x
- Planning x
- Building x



Town of Arlington
Department of Health and Human Services
Office of the Board of Health

27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

MEMO

To: Board of Selectmen
From: Natasha Waden, Health Compliance Officer
Date: August 13, 2015
RE: Board of Health Comments for Selectmen's Meeting on August 17, 2015:

Please accept the following as comments from the Office of the Board of Health:

Ristorante Olivio- 201 Massachusetts Avenue
Sidewalk Café Permit

- In accordance with the Town of Arlington Regulations Prohibiting Smoking in Workplaces and Public Places, the owner/manager or designated person in charge of the establishment shall, at any given time, be responsible for prohibiting smoking and the use of e-cigarettes (or similar devices) in the outdoor seating area. Signage which states "No Smoking" or contains the international "No Smoking" symbol must be conspicuously posted in the outdoor seating area for all patrons to view. Please be advised, any person in charge of a public place or workplace who fails to comply with the Regulations is subject to a fine of (a) \$100 for the first violation, (b) \$200 for a second violation occurring within two years of the date of the first offense; and (c) \$300 for a third or subsequent violation occurring within two years of the second violation. Each calendar day on which a violation occurs shall be considered a separate offense.
- In accordance 105 CMR 590.000 (Minimum Sanitation Standards for Food Establishments) the outdoor seating area must be maintained in a clean and sanitary manner, free from garbage and trash or other refuse that would constitute a public health nuisance.

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Name: _____

Date: _____

Carol M. Sweeney
8.13.15

**BOARD OF SELECTMEN
TOWN OF ARLINGTON – INSPECTION REPORT**

Report is Due at the office of the Board of Selectmen by,

ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 201 Mass. Ave.
Applicants Name: Angelo DiGirolamo
D/B/A: Ristorante Olivio
Telephone: 781- 648-2300
Department: Sent E-mail

Date: August 12, 2015

Report Filed By: Michael F. Byrne, Director of Inspectional Services
Arthur F. Rouse, Inspector of Wires
Kenneth McConnell, Inspector of Plumbing & Gasfitting

Departments:

Re: SIDEWALK CAFÉ PERMIT

Fire
Police
Board of Health
Building, Wiring, Plumbing

Building

All building changes need permits.

All sign changes need approval and sign permit.

Window signs cannot exceed 25% of window or fines will be levied.

Certificate of Occupancy is needed -\$100 fee.

The Director of Inspectional Services has no objection to the issuance/ renewal of this license as the applicant has been made aware of seating capacity and necessity for showing proof of ownership of sidewalk

Plumbing

The Inspector of Plumbing and Gasfitting has no objection to the issuance/ renewal of this license.

All plumbing and Gasfitting work requires that the permits be obtained from this office for their respective trades by licensed contractors.

Electrical

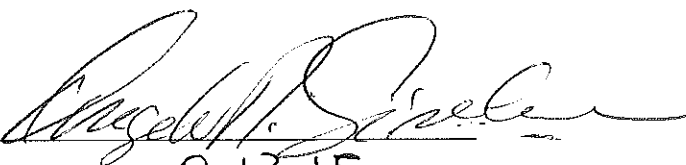
The Inspector Wires has no objection to the issuance/ renewal of this license.

The applicant acknowledges that this is a conditional approval of the premises only and is not to be constructed as approval by the Inspector of Wires of concealed electrical wiring. Any new wiring must conform to the Mass. Electrical Code. Notify the Inspector of Wires in accordance with Chapter 143, Section 31..

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Name:



Date:

8.13.15

**BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is due at the Office of the Board of Selectmen by **Wednesday, August 12, 2015**

ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location:	201 Massachusetts Avenue	
Applicant's Name:	Angelo DiGirolamo	
D/B/A:	Ristorante Olivio	
Telephone:	781- 648-2300	
Department:	Sent Interoffice Mail & E-mail	Date: 7/20/15

Meeting date: August 17, 2015

RE: SIDEWALK CAFE PERMIT

Inspected by: Board of Health
Building
Planning – Ted Fields, 8.13.2015

Inspection Report Comments:

Ristorante Olivio, the existing restaurant on this site in Capitol Square, provides Italian dining with a licensed seating capacity of 120 patrons and no assigned on-street parking. It is a medium-sized enterprise serving patrons from Arlington and surrounding communities. It is located in a B3 (Village Business) zone. The sidewalk abutting Ristorante Olivio is eighteen (18) feet wide, the restaurant's façade is sixty (60) feet long.

Proposal Details

The applicant proposes to use a thirty-foot (34 foot) long by fourteen-foot (14 foot) wide section of sidewalk for two rows of tables for up to twenty-four (24) diners, separated by a three-foot (3 foot) wide serving corridor. This would provide four (4) feet of public sidewalk space available for pedestrian egress between the front of Ristorante Olivio and the proposed seating area, meeting the recommended standard for Sidewalk Cafe permits (4 feet). The proposed outdoor seating area would not extend past the restaurant's frontage. Six (6) four-seat tables are proposed by the applicant. As proposed, the most westerly table is more than ten feet away from the ADA crosswalk ramp on Massachusetts Avenue, exceeding the minimum standard (5 feet). The restaurant proposes a series of ropes suspended from bollards, and three two-foot (2 foot) high wood barrels along the Massachusetts Avenue curb line (this feature is not described or specified in the submitted site plan) to separate the proposed seating area from the public. On-street parking will not be allowed in front of the Applicant's location after the current reconstruction of Massachusetts Avenue is completed by the Commonwealth.

Planning Department's Recommendations

The applicant requests 420 square feet of space on the public sidewalk for outdoor seating, similar to the 530 square feet approved for the Common Ground's outdoor seating area. However, the applicant's scaled site drawing shows proposed outdoor seating space totaling 476 square feet, which is larger than the space proposed in the

application. Revised drawings should be supplied by the applicant showing a 420 square foot seating area before the proposal can be approved.

The applicant's design leaves almost no space between the proposed barrel wall and the curb along Massachusetts Avenue. This should be mitigated by moving the proposed barrels at least one foot (1 foot) from the curb line. Additionally, the applicant's proposed rope and bollard boundary system should be replaced by a retractable cable and stanchion system. Finally, the applicant's drawings show a cordoned off area between the planter and ADA crosswalk ramp that is not to be used for outdoor seating. The cordon should be restricted to the actual seating area. These suggested modifications are shown on page three, and have been discussed with the owner's representative. Approval of the applicant's proposal with the design amendments proposed will add vitality to this commercial block and the Capitol Square area.

The Dept. of Planning and Community Development has no objection to the issuance of the Sidewalk Cafe license to the applicant at the location in question, as long as the applicant's design is amended to accommodate the Department's proposed modifications.

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

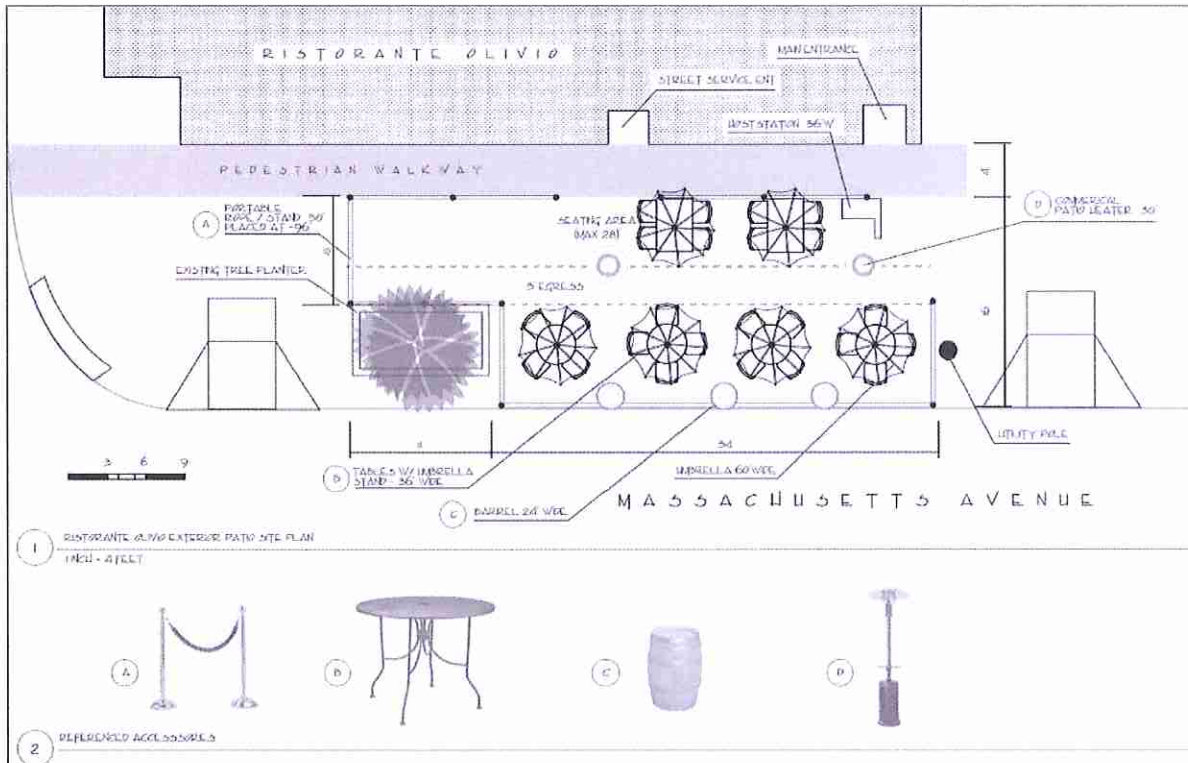
Applicant's Name: _____



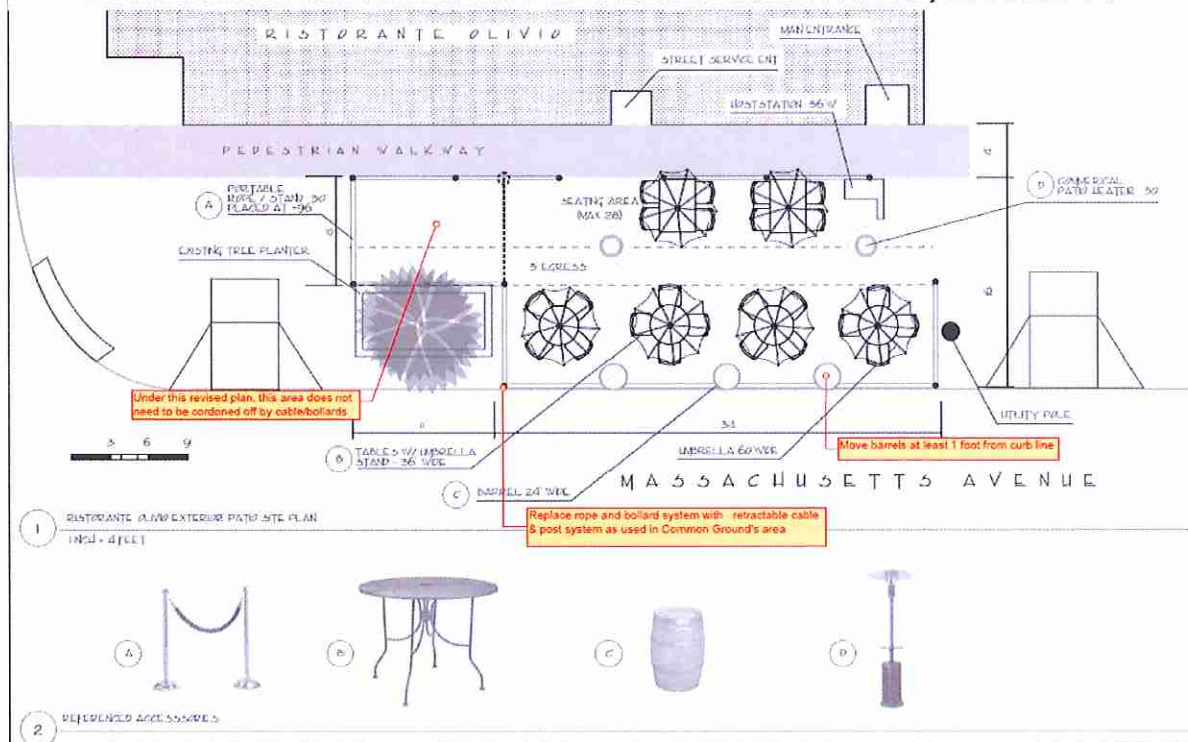
Date: _____

8.13.15

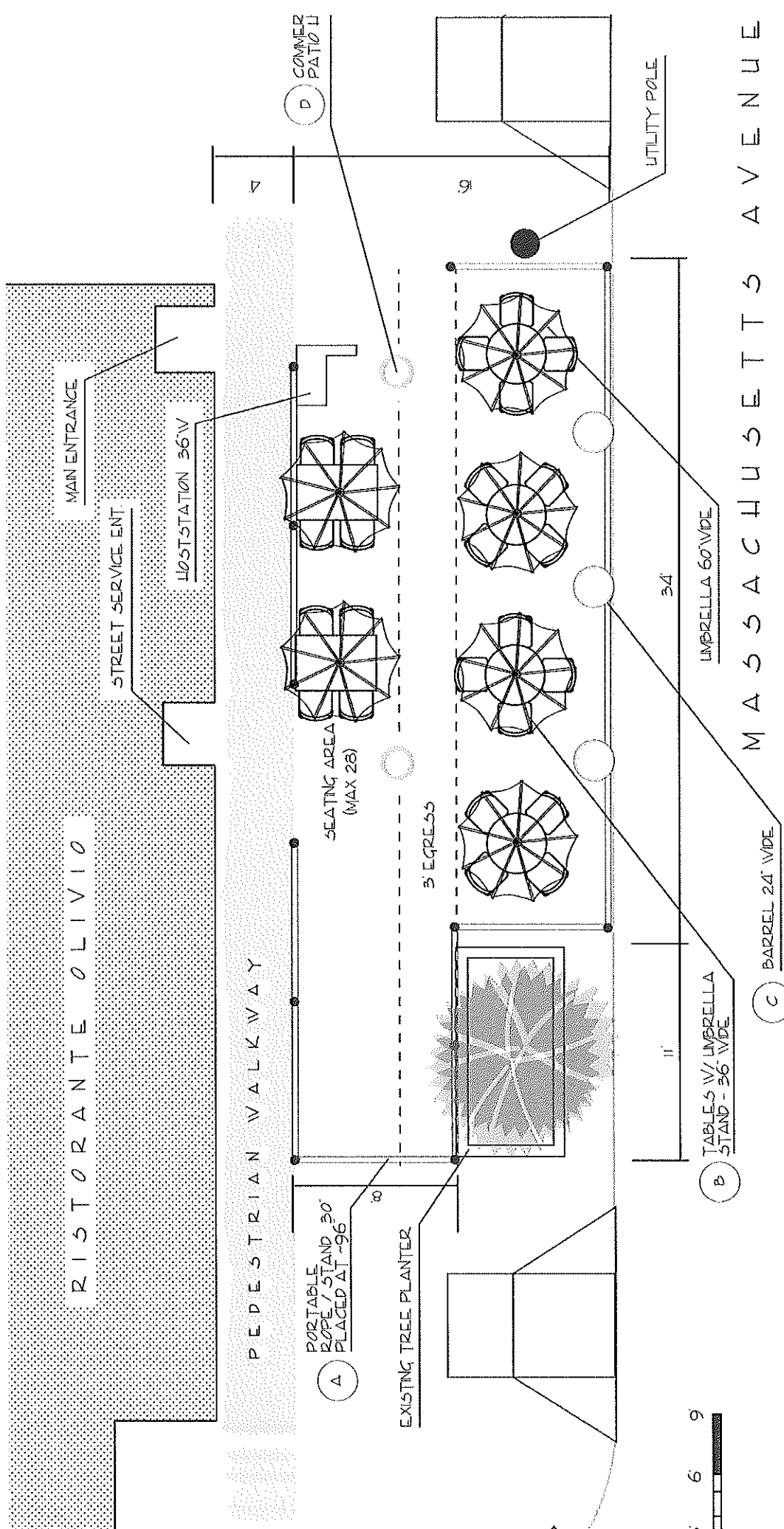
RISTORANTE OLIVIO - SIDEWALK CAFÉ PROPOSAL, 8.13.2015



PLANNING DEPARTMENT RECOMMENDATIONS, 8.13.2015

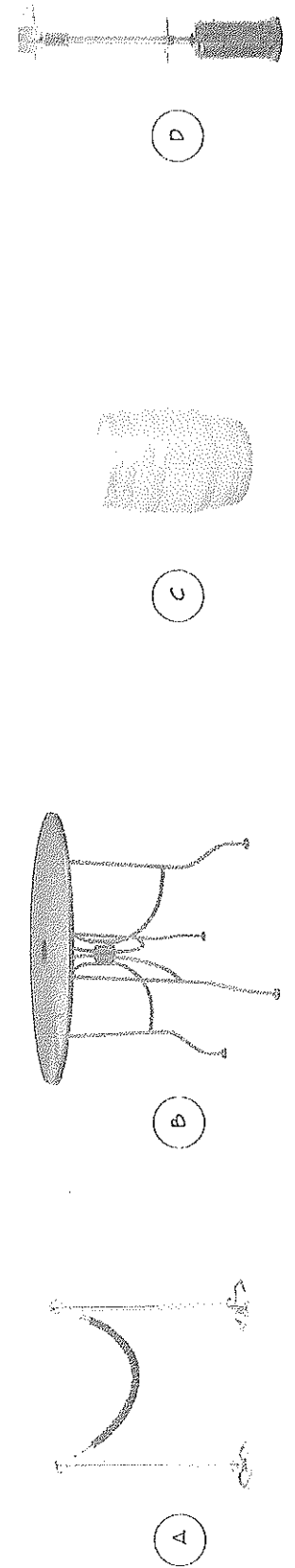


[illegible]



OLIVIO EXTERIOR PATIO SITE PLAN

FEET



ACCESSORIES

Sidewalk Café Permit Application - Town of Arlington, MA

This is an application to the Board of Selectmen of the Town of Arlington Massachusetts, for a permit to place and maintain a Sidewalk Café (an outside seating area for licensed restaurants) on the public right of way in Arlington, Massachusetts described below:

(PLEASE TYPE OR PRINT)

Business Name:

Ristorante Olivio

Length of Storefront (ft):

60 Feet

Business Address/Location:

201 Mass. Ave. Arlington, MA

Width of Sidewalk along Storefront (ft); *1:

18 Feet

Phone Number/Email:

781 648-2300/info@ristoranteolivio.com

Length of Proposed Sidewalk Café (ft):

30 Feet

Business Representative's Name:

Angelo DiGirolamo

Width of Proposed Sidewalk Café (ft); *2:

14 Feet

Name & Address of Building Owner:

David Epstein 266 Bishops Forest Drive, Waltham, MA 02452

**1: Measure from front Building Wall to inside of sidewalk granite curb edge.*

**2: Measure from front Building Wall to outside of Sidewalk Café surrounding border fencing/barrier.*

Application Submittal Requirements:

- 1.) Fee: An annual permit fee of **\$50.00** payable to the Town of Arlington filed with the Selectmen's Office. The Board may prorate its fee for applicants in their initial term to reflect the number of months the permit sought will be held.
- 2.) Site Plan: Furnish a **Site Plan** (scale diagram) showing the location of tables, chairs, umbrellas, trash receptacles, heaters, barricades, as well as a **picture or photograph of the proposed furniture** in compliance with the following requirements:
 - No person or entity shall cause to be placed within the public ways any furniture without applying for a permit and receiving approval from the Board of Selectmen of the Town. This permit shall be considered separate and distinct from others issued by the Town, including those for common victuallers.
 - Ordinarily, the location of the sidewalk café must be directly in front of the business operating the café, and may not extend beyond the side property lines. It shall be sited as close to the building façade as practicable and in no event to exceed twelve (12) feet from the food service door of the establishment.
 - Under limited circumstances, sidewalk café areas may be approved adjacent to a storefront, grouped at a distance from the storefronts, or allowed in both positions if a scaled plan showing dimensions clearly establishes:

- a) The requested location(s) create the least obstruction for pedestrian access to storefronts, crosswalks and pedestrian circulation, and/or
 - b) the location does not extend substantially beyond the side edges of the business (allowing for up to 10 feet of latitude where landscaping, public facilities, utility poles or adjacent seating areas obstruct the front of the business premises), and/or
 - c) no more than 256 square feet of the public way would be cordoned off for establishments serving liquor unless the Board determines from the scaled site plan (with dimensions shown) and photos that additional square footage for outdoor seating would not leave less than 36" to the nearest barrier, would not impede circulation, and would not preclude other allowed desirable uses for the public space, and
 - d) in every case, the additional seating does not violate zoning, building, or other code as determined by the Director of Inspectional Services.
- Further, Tables, chairs, benches, food equipment shall be located so that they do not impede, endanger or interfere with pedestrian traffic, with a minimum width of three (3) feet and a recommended width of four (4) feet of unobstructed passage for pedestrian traffic.
 - In addition, no sidewalk café furniture shall be affixed, erected, installed, placed, used or maintained **within five (5) feet** of any marked or unmarked crosswalk or handicapped ramp; or within five (5) feet of any fire hydrant, fire lane, call box, or bus stop.
 - Unlicensed furniture within the public ways of the Town will be subject to removal with the cost thereof to be borne entirely by the owner. In addition, fines may be imposed by the Board of Selectmen not to exceed \$100 for removal, storage or destruction.
 - No fixtures or devices on which food or beverages are sold or consumed shall be attached to the sidewalk or other public area. The property owner is responsible for the restoration of the sidewalk or public-right-of-way if any damage is caused by the sidewalk café. Physical barriers bordering/framing a sidewalk café may not exceed four (4) feet in height.
 - Lighting for sidewalk cafes is subject to approval during the permitting process. Tabletop lighting may include candles and battery-operated fixtures.
 - Well-designed physical barricades surrounding/framing sidewalk cafés are **strongly encouraged**.

3.) Insurance: The applicant restaurant-owner shall furnish a **certificate of insurance** providing commercial insurance coverage for bodily injury, death, disability, and property damage liability in the following amounts:

- At least \$1,000,000 per occurrence and \$3,000,000 annual aggregate for any restaurant serving alcohol as part of its use of sidewalk café space; or

- At least \$300,000 per occurrence and \$900,000 annual aggregate for restaurants which are either not licensed to serve alcohol or restaurants which attest that they will not serve alcohol as part of their use of sidewalk café space.

The Town of Arlington shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In the event the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked. The permit holder shall immediately inform the Selectmen's Office if insurance under this provision is revoked and shall not operate the sidewalk café until insurance is restated in accordance with this requirement. An insurance certificate naming the Town as an additional insured must be provided to the Office of the Board of Selectmen before any Sidewalk Café/Outdoor Seating Area will be issued.

4.) Indemnification and Acknowledgement of Rights: The applicant restaurant-owner shall also furnish a signed agreement to indemnify the Town of Arlington for its use of public property as a sidewalk café/outdoor seating from any and all claims that may be brought against the Town in connection with such use. Such a signed agreement shall also acknowledge the Town's rights with respect to its property and the limitations of the permit (attached hereto).

5.) Compliance Requirements: By signing this application, the Applicant agrees to accept and comply with the following requirements:

- All services provided to sidewalk café customer and customer activity must occur within the designated sidewalk café area.
- Permit holder is responsible for proper supervision of the sidewalk café in order to ensure the requirements of this section are met.
- Permit holders must ensure that the requirements for operation are met. These include:
 - Patrons must wear shoes and shirts at all times.
 - All sidewalk cafes must maintain at least one opening for ingress and egress at all times. All sidewalk cafes shall abide by all requirements of the currently adopted International Building Code and the American's with Disabilities Act.
 - To the extent applicable, sidewalk cafes must adhere to all regulations pertaining to food and beverage enforced by the Board of Health and Board of Selectmen.
 - All areas within and surrounding a sidewalk café must be maintained in a clean, neat, and sanitary condition.
 - All permit holders shall be required to abide by all federal, state, and local laws.
 - Outdoor alcohol service (and food service when alcohol is served outdoors) shall conclude at or before 10:00 p.m. Sunday through Thursday, and at or before 11:00 p.m. Friday and Saturday.

6.) Other Regulations: By receiving a sidewalk café/outdoor seating permit, restaurants are not exempted from other federal, state, and local laws and regulations. Among other regulations, permit holders must comply with local zoning and state building code requirements and Board of Selectmen alcohol service regulations. Applicants are strongly advised to ensure their plans comply with zoning and state building requirements by contacting Inspectional Services.

7.) Revocation: The sidewalk café permit may be revoked for failure to maintain the standards required for the initial permit. A notice of intent to revoke a sidewalk café permit shall be given in writing 10-days prior to actual revocation and shall specify the area or areas of failure to meet requirements and maintain conditions the Town may have imposed. If, during that period, proof of compliance is made to the satisfaction of designated Town Inspectors by the holder of the permit, the permit shall be continued in force.

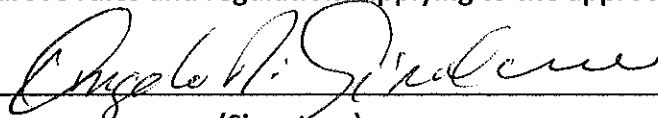
- Applicant certifies that all current property taxes due on its licensed premises are paid if property is owned by the Applicant.
- Applicant agrees to permit the Town to periodically verify the accuracy of information contained in this Application and agrees to provide information requested to verify the accuracy of the information and the Certifications contained in this Application.

8.) Term & Non-Transferability: Each Sidewalk Café Permit is valid for one calendar year from the January 1st through December 31st and is non-transferable.

I have read and fully understand the above rules and regulations applying to the approval of this permit.

Dated July 15, 2015

By: _____


(Signature)

(Print Name & Address) ANGELO DI GIROLAMO 201 MASS. AVE. ARLINGTON MA 02474

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON

SIDEWALK CAFÉ INDEMNIFICATION AGREEMENT & ACKNOWLEDGEMENT

On behalf of the business applying for a Sidewalk Café (Outdoor Seating) license from the Town of Arlington Board of Selectmen, I, as a duly authorized agent of Ristorante Oliverio, a licensed restaurant operating within the Town of Arlington, acknowledge that I seek permission to use a portion of the public sidewalk in front of (or where permitted, adjacent to) the business premises to operate a sidewalk café/outdoor seating area. I understand that a Sidewalk Café permit does not give my business any right, title, or interest in any part of the sidewalk space approved for use.

Furthermore, I, as a duly authorized agent of Ristorante Oliverio, agree to hold harmless the Town of Arlington, its officers and employees, for any loss or damage arising from the use of the public sidewalk or the discontinuance of use resulting from an order, demand, or notice of any governmental agency with jurisdiction.

I understand that Board of Selectmen and/or any government agency with jurisdiction may revoke my permit to use public sidewalk space at any time for any reason whatsoever. The permit can be revoked for failure to comply with any terms and conditions of the permit or any agreements between my business and the Town of Arlington or for violation of any of the rules and regulations enforced by Board of Selectmen, the Department of Inspectional Services, the Police Department, or the Board of Health. I understand there will be no refund of any fees or compensation paid to the Town of Arlington.

I further agree to promptly remove any property placed on the sidewalk space or reimburse the Town of Arlington for the cost of moving my business' property upon receipt of any written notice, demand, or order to vacate the sidewalk space from a governmental agency with jurisdiction.

I certify that I have read and agree with the terms and conditions outlined both here and within the Sidewalk Café Permit Application.

Congelato S. S. S.
Signature

7-15-15
Date

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PETITION FOR CHANGE OF LICENSE

003000023

ABCC License Number

ARLINGTON

City/Town

The licensee BERNARDUS RESTAURANT LLC respectfully petitions the Licensing Authorities to approve the following transactions:

- | | |
|--|--|
| <input type="checkbox"/> Change of Manager | <input checked="" type="checkbox"/> Alteration of Premises |
| <input type="checkbox"/> Pledge of License/Stock | <input type="checkbox"/> Cordial & Liqueurs |
| <input type="checkbox"/> Change of Corporate Name/DBA | <input type="checkbox"/> Change of Location |
| <input type="checkbox"/> Change of License Type (\$12 ONLY, e.g. "club" to "restaurant") | |

☐ Change of Manager

Last-Approved Manager:

Requested New Manager:

☐ Pledge of License /Stock

Loan Principal Amount: \$

Interest Rate:

Payment Term:

Lender:

☐ Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

☐ Change of License Type

Last-Approved License Type:

Requested New License Type:

☒ Alteration of Premises: (must fill out financial information form)

Description of Alteration:

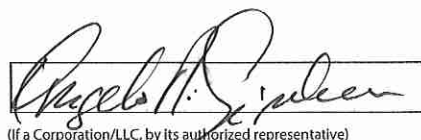
OUTDOOR CAFE AREA

☐ Change of Location: (must fill out financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee


(If a Corporation/LLC, by its authorized representative)

Date Signed

Financial Information:

Costs Associated with License

1. Real Property:	\$	<input type="text"/>
2. Business Purchase:	\$	<input type="text"/>
3. Renovations/Construction:	\$	<input type="text" value="1,000.00"/>
4. Start up/Operating Capital:	\$	<input type="text"/>
5. Inventory:	\$	<input type="text"/>
6. Goodwill:	\$	<input type="text"/>
7. Furniture:	\$	<input type="text" value="3,900.00"/>
8. TOTAL COST:	\$	<input type="text" value="4,900.00"/>
9. TOTAL CASH:	\$	<input type="text"/>
10. TOTAL FINANCED:	\$	<input type="text" value="0"/>

The amounts in items 9 and 10 must total the amount reflected in item 8. **IMPORTANT:** Submit any and all records, documents and affidavits including loan agreements that explain the sources of money for this transaction.



Town of Arlington, Massachusetts

Request: Alteration of Premise

Summary:

Blog LLC, d/b/a Common Ground, 637 Massachusetts Avenue, Bob O'Guin

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	ABCC packet

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

RECEIVED
ALCOHOLIC BEVERAGES CONTROL COMMISSION
JUL 31 10 55 AM '15

PETITION FOR CHANGE OF LICENSE

003000064

ABCC License Number

Arlinton

City/Town

The licensee, Blog, LLC, respectfully petitions the Licensing Authorities to approve the following transactions:

- | | |
|---|--|
| <input type="checkbox"/> Change of Manager | <input checked="" type="checkbox"/> Alteration of Premises |
| <input type="checkbox"/> Pledge of License/Stock | <input type="checkbox"/> Cordial & Liqueurs |
| <input type="checkbox"/> Change of Corporate Name/DBA | <input type="checkbox"/> Change of Location |
| <input type="checkbox"/> Change of License Type (§12 ONLY, e.g. "club" to "restaurant") | |

☐ Change of Manager

Last-Approved Manager:

Requested New Manager:

☐ Pledge of License /Stock

Loan Principal Amount: \$

Interest Rate:

Payment Term:

Lender:

☐ Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

☐ Change of License Type

Last-Approved License Type:

Requested New License Type:

☒ Alteration of Premises: (must fill out financial information form)

Description of Alteration:

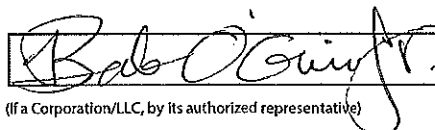
The proposed change will consist of the addition of an outside seating area, approximately 38 seats, on an existing patio / plaza.

☐ Change of Location: (must fill out financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee


(If a Corporation/LLC, by its authorized representative)

Date Signed

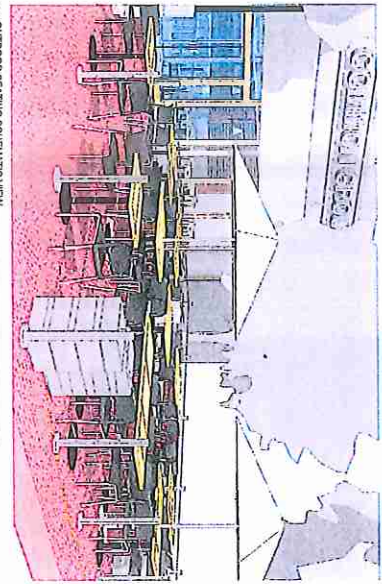
July 27, 2015

Financial Information:

Costs Associated with License

1. Real Property:	\$ 0.00
2. Business Purchase:	\$ 0.00
3. Renovations/Construction:	\$ 0.00
4. Start up/Operating Capital:	\$ 0.00
5. Inventory:	\$ 0.00
6. Goodwill:	\$ 0.00
7. Furniture:	\$ 10,000.00
8. TOTAL COST:	\$ 10,000.00
9. TOTAL CASH:	\$ 10,000.00
10. TOTAL FINANCED:	\$ 0.00

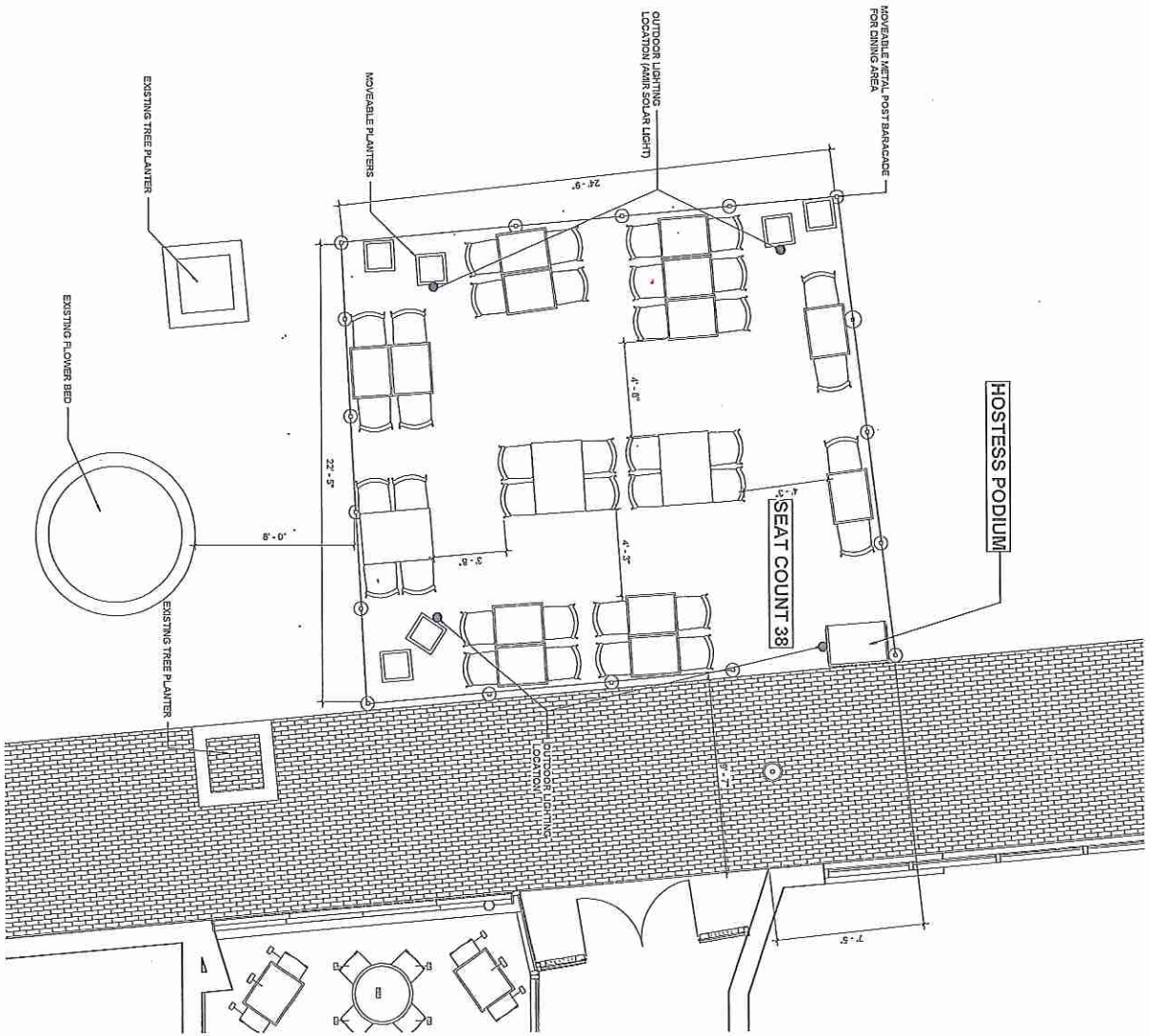
The amounts in items 9 and 10 must total the amount reflected in item 8. **IMPORTANT:** Submit any and all records, documents and affidavits including loan agreements that explain the sources of money for this transaction.



1 OUTDOOR SEATING SCHEMATIC VIEW



2 OUTDOOR SEATING SCHEMATIC VIEW 2



3 Outdoor Seating Plan
3/8" = 1'-0"

SK4

SHEET

PROPOSED OUTDOOR SEATING

Common Ground

319 BROADWAY ST.
ARLINGTON, MA 02474

DESIGNED BY
06/24/15
COMMON ARCHITECTURE
OUTDOOR SEATING





Town of Arlington, Massachusetts

Request: Food Vendor License

Summary:

Magic Bites Bakery, 916 Massachusetts Avenue, Antilla Ozkefli

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	Food Vendor application.inspection packet

LICENSE APPLICATION REPORT

Type of License Food Vendor

Name of Applicant: Atilla Ozkeffli d/b/a Magic Bites Bakery

Address: 916 Mass. Ave.

The following Departments have **no objections** to the issuance of said license:

- Police x
- Fire
- Health
- Building
- Planning

The following Departments have **no objections** but have made comments or conditions regarding the issuance of said license: (see attached)

- Police
- Fire x
- Health x
- Building x
- Planning x

The following Departments have **objections** to the issuance of said license:
(see attached)

- Police
- Fire
- Health
- Building
- Planning

BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT

Report is due at the Office of the Board of Selectmen by, August 12, 2015
ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 916 Mass. Ave. (formerly Za'atar Bakery)
Applicant's Name: Atilla Ozkeffli
D/B/A: Magic Bites Bakery
Telephone: 857 415-9504
Department: Sent Interoffice Mail & E-mail

Date: July 20, 2015

MEETING DATE: August 17, 2015

Departments:

RE: FOOD VENDOR

Police
Fire
Board of Health
Building
Planning

Comments by each Division or Department:

- Fire Alarm system shall be tested and paperwork sent to Fire Prevention
- Fire Extinguishers shall be tested and tagged
- Hood and Kitchen extinguishment system shall be tested and tagged if applicable
- Emergency Lights and Exit signs must be operable

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

APPLICANT SIGNATURE SECTION:

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Applicant's Name: Atilla Ozkeffli

Date: 13 August 2015

BOARD OF SELECTMEN

TOWN OF ARLINGTON - INSPECTION REPORT

Report is due at the Office of the Board of Selectmen by August 12, 2015

ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 916 Massachusetts Avenue

Applicant's Name: Atilla Ozkeffli

D/B/A: Magic Bites Bakery

Telephone: 857-415-9504

Department: Sent Interoffice Mail & E-mail

Date: July 20, 2015

MEETING DATE August 17, 2015

Departments: RE: Food Vendor
(Note: Za'atar Bakery)

Police

Fire

Board of Health

Building

Planning Ted Fields 7.24.2015

Comments by each Division or Department:

The business proposed for this site is a 750 square foot restaurant selling bakery goods, ice cream and coffee/soda for consumption off the premises. It will be open Monday-Saturday from 7am to 7pm and on Sundays from 7am to 9pm on a seasonal basis. There is no proposed seating for any patrons and no assigned on-street or off-street parking spaces. It is a small enterprise serving shoppers and pedestrians between Brattle Square and Arlington Center and the surrounding residential neighborhoods (zone B2). It is an appropriate type of business for this setting.

The Dept. of Planning and Community Development has no objection to the amendment of the establishment's Food Vendor's License as requested.

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

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Applicant's Name:

Atilla Ozkeffli

Date:

13 August 2015

ARLINGTON POLICE DEPARTMENT

Frederick Ryan
Chief of Police



POLICE HEADQUARTERS
112 Mystic Street
Telephone 781-316-3900

Town of Arlington
MASSACHUSETTS 02474

July 22, 2015

On Wednesday, July 22, 2015 at 2:45 PM, I called and spoke with Atilla Ozkeffli regarding this application for a Food Vendor License for the Magic Bites Bakery, located at 916 Mass. Ave. Mr. Ozkeffli stated that he will be taking over the business of the previous bakery and making no changes. Mr. Ozkeffli stated that he hopes to be up and running sometime in August and will be owning and running the day to day operations. Mr. Ozkeffli stated that this will be his first business in the US.

I advised Mr. Ozkeffli that the Board of Selectmen may be conducting C.O.R.I and S.O.R.I checks during the application process.

Pending the checks conducted by the Board of Selectmen's Office, Arlington Police Dept. is not aware of any law enforcement or public safety reasons to object to the Food Vendor License for the Magic Bites Bakery.

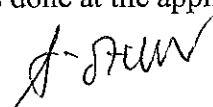
Respectfully Submitted,

Detective Edward DeFrancisco



APPLICANT SIGNATURE SECTION:

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Applicant's Name:  Atilla Ozkeffli

Date: 13 August 2015



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

MEMO

To: Board of Selectmen
From: Natasha Waden, Health Compliance Officer
Date: August 13, 2015
RE: Board of Health Comments for Selectmen's Meeting on August 17, 2015:

Please accept the following as comments from the Office of the Board of Health:

Magic Bites Bakery- 916 Massachusetts Avenue
Food Vendor's License

- This establishment is currently in the plan review process. The plans submitted have been approved and the applicant is in the process of complying with conditions outlined in the plan approval letter dated July 24, 2015. Upon successful pre-operational inspection, this Office will issue a permit to operate a food establishment to the applicant.*

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Name: _____

Date: _____

A. Filla O'Hara
O'Hara
13 August 2015

**BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is Due at the office of the Board of Selectmen by,

ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 916 Mass. Ave.
Applicants Name: Atilla Ozkeffli
D/B/A: Magic Bites Bakery
Telephone: 857 415-9504
Department: **Sent E-mail**

Date: August 12, 2015

Report Filed By: Michael F. Byrne, Director of Inspectional Services
Arthur F. Rouse, Inspector of Wires
Kenneth McConnell, Inspector of Plumbing & Gasfitting

Departments:

Re: FOOD VENDOR

Fire
Police
Board of Health
Building, Wiring, Plumbing

Building

All building changes need permits.

All sign changes need approval and sign permit.

Window signs cannot exceed 25% of window or fines will be levied.

Certificate of Occupancy is needed -\$100 fee.

The Director of Inspectional Services has no objection to the issuance/ renewal of this license as the applicant has been made aware of seating capacity and necessity for showing proof of ownership of sidewalk

Plumbing

The Inspector of Plumbing and Gasfitting has no objection to the issuance/ renewal of this license.

All plumbing and Gasfitting work requires that the permits be obtained from this office for their respective trades by licensed contractors.

Electrical

The Inspector Wires has no objection to the issuance/ renewal of this license.

The applicant acknowledges that this is a conditional approval of the premises only and is not to be constructed as approval by the Inspector of Wires of concealed electrical wiring. Any new wiring must conform to the Mass. Electrical Code. Notify the Inspector of Wires in accordance with Chapter 143, Section 3L.

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Name: Atilla Ozkeffli

Date: 13 August 2015

OFFICE OF THE BOARD OF SELECTMEN

730 Massachusetts Avenue

Town of Arlington

Massachusetts 02476-4908

(781) 316-3020

(781) 316-3029 fax

\$60.00 Filing Fee

APPLICATION

☐ COMMON VICTUALLER LICENSE

☒ FOOD VENDOR LICENSE (Take Out Only)

You must complete an application packet from the Board of Health Department located at 27 Maple St.

You must have the completed application reviewed by the Inspections Department located at 51 Grove St. before filing this application with this office

Location 916 Mass Ave Arlington, MA 02476

Name of Applicant Atilla OZKEFFELI

Corporate Name (if applicable) OZKEFFELI LLC

D/B/A Magic Bites BAKERY (to be registered)

Date 17 JULY 2015

I/We hereby agree to conform in all respects to the conditions governing such License as printed in the By-Laws of the Town, and such other rules and regulations as the Selectmen may establish. With the signing of this application, the applicant acknowledges that:

(A) it is understood that the Board is not required to grant the license.

(B) no work is to commence at the premises of the proposed location which is the subject matter of this application until the license is approved by the Board of Selectmen, and, furthermore, any work done is done at the applicant's risk, and

(C) in the event of a proposed sale of a business requiring a Common Victualler License, an application for a transfer of said license will be deemed to be an application for a new license (subject to the rules and regulations herein contained), and the owner of such business shall be required to file with the Board of Selectmen a thirty day notice of his intention to sell same before such application will be acted upon by the Selectmen.

(D) that the license is subject to revocation if the holder of the license does not comply with Town By-Laws or the Rules and Regulations of the Board.

Signature Name Atilla OZKEFFELI

Signature Name _____

Phone: 857 415 9504 Email: atilla.ozkefeli@gmail.com

Note: (A) If a corporation, state full names and addresses of principal officers.

(B) If a co-partnership, information must be provided on each partner; if a corporation, information must be provided on corporate officer making application.

Name Atilla OZKFFELI Name _____
Address 12 TROLL STREET Address _____
City SOMERVILLE Zip 02145 City _____ Zip _____
DESCRIPTION OF APPLICANT DESCRIPTION OF APPLICANT
Born in the U.S., Yes _____ No X Born in the U.S., Yes _____ No _____
Born Where ANKARA TURKEY Born Where _____
Date of Naturalization N/A Date of Naturalization _____
Male or Female MALE Male or Female _____
Date of birth [REDACTED] Date of birth _____
Height 6 ft. 231 in. Height _____ ft. _____ in.
Weight _____ Weight _____
Complexion WHITE Complexion _____
Hair BROWN Eyes BROWN Hair _____ Eyes _____
Mother's Name YUKSEL OZKFFELI Mother's Name _____
Father's Name ORHAN OZKFFELI Father's Name _____
Wife's Maiden Name KALELI Wife's Maiden Name _____
Photo 1 inch by 1 inch



The Establishment shall operate as:

☐ Sole Ownership ☐ Partnership ☐ Total Number of Partners ☒ Corporation Based in MA
(Once approved, please go to Clerk's Office for Business Certificate)

Corporate Information Required:

President ATILLA OZKFFELI 12 TROLL STR SOMERVILLE 02145 MA
Secretary u u u u
Treasurer u u u u
Name Address Zip

INFORMATION RELATIVE TO APPLICATION

Breakfast

Yes ☒ No ☐

Bakery Products - To go

Lunch

Yes ☒ No ☐

Bakery Products - To go

Dinner

Yes ☒ No ☐

Bakery Products - To go

Do you own the property? Yes ☐ No ☒ Tenant At Will ☐ Lease 1+3+4 years

Hours of Operation:

Day MON - SAT

Hours 07⁰⁰ - 19⁰⁰

Day SUN

Hours 07 - 19⁰⁰ (SEASONAL)

Day

Hours

Floor Space 750 Sq. Ft.

Seating Capacity (if any) 0

Parking Capacity (if any) 0 spaces

Number of Employees 3

List Cooking Facilities (and implements)

Oven and associated pans for baking
HOT PLATE

Will a food scale be in use for sale of items to the public? Yes ☐ No ☒

Will catering services be provided by you? Yes ☒ No ☐

A copy of the following items must be submitted with the application:

1. Layout Plan of Facility & Fixtures
2. Site Plan (obtained at Bldg. Dept., 51 Grove St.)
3. Outside Facade and Sign Plan (dimensions, color)
4. Menu
5. Maintenance Program

If the facilities are not yet completed, provide estimated cost of work to be done \$

FOR OFFICE USE ONLY

Scheduled Hearing when Application will be presented to Board of Selectmen for approval:

Date Time

Board Action: Approved Yes ☐ No ☐

APPLICANT'S RESUME

Food Business Experience of Applicant

From 1986 to 1990
 Employee Cafe Manager D/B/A _____
 Sole Owner 1 Location ANKARA TURKEY
 Partnership _____ Type Food PASTRY - CAFE - COFFEE
 Corporation KAVAKLI CAFE Number of Employees 6

From _____ to _____
 Employee _____ D/B/A _____
 Sole Owner _____ Location _____
 Partnership _____ Type Food _____
 Corporation _____ Number of Employees _____

List any other information that you feel will assist in the review of this application.

I am a dedicated manager in other businesses.
Purchase, business development, marketing are my strengths.
My wife is a baker and she'll be working with me.
She will also have assistant bakers for the business

REFERENCES

Bank Bank Of America Type Account Personal ☒ Business ☒
 Address 488 TRAPDO RD. Bldg 100 Phone 617 489 0916
 Account Number [REDACTED] Contact Caroline Boyle
 Personal Reference _____
 Address _____ Phone _____
 Prior Employer ASELAN A.S. / TURKEY
 Address AKYURT / ANKARA Phone +90 312 847 5800
 Number of years employed 24 From 1991 To 2015
 Contact HR Position Held Manager / Director
 Other _____

Name

Address

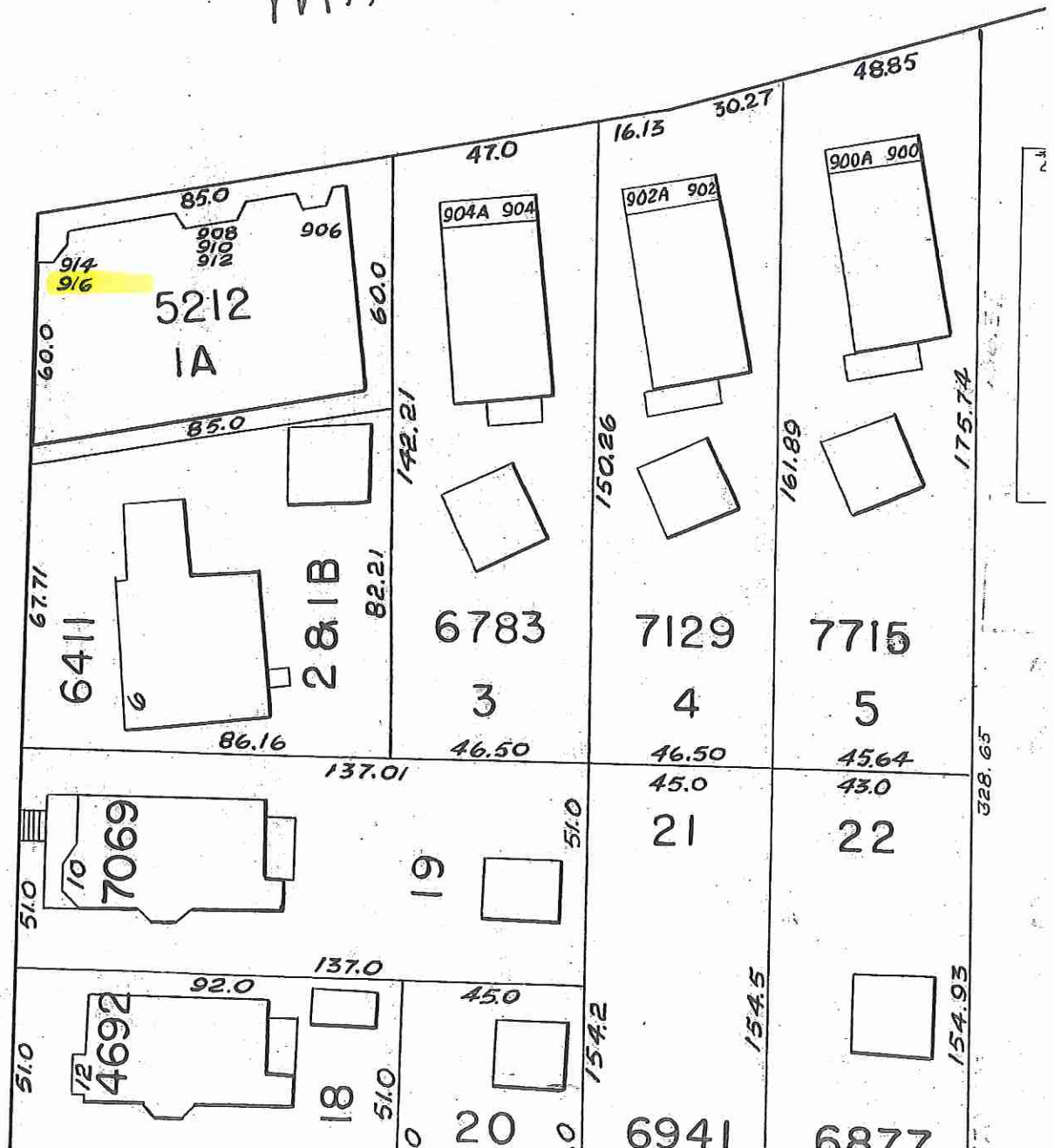
54

MASS

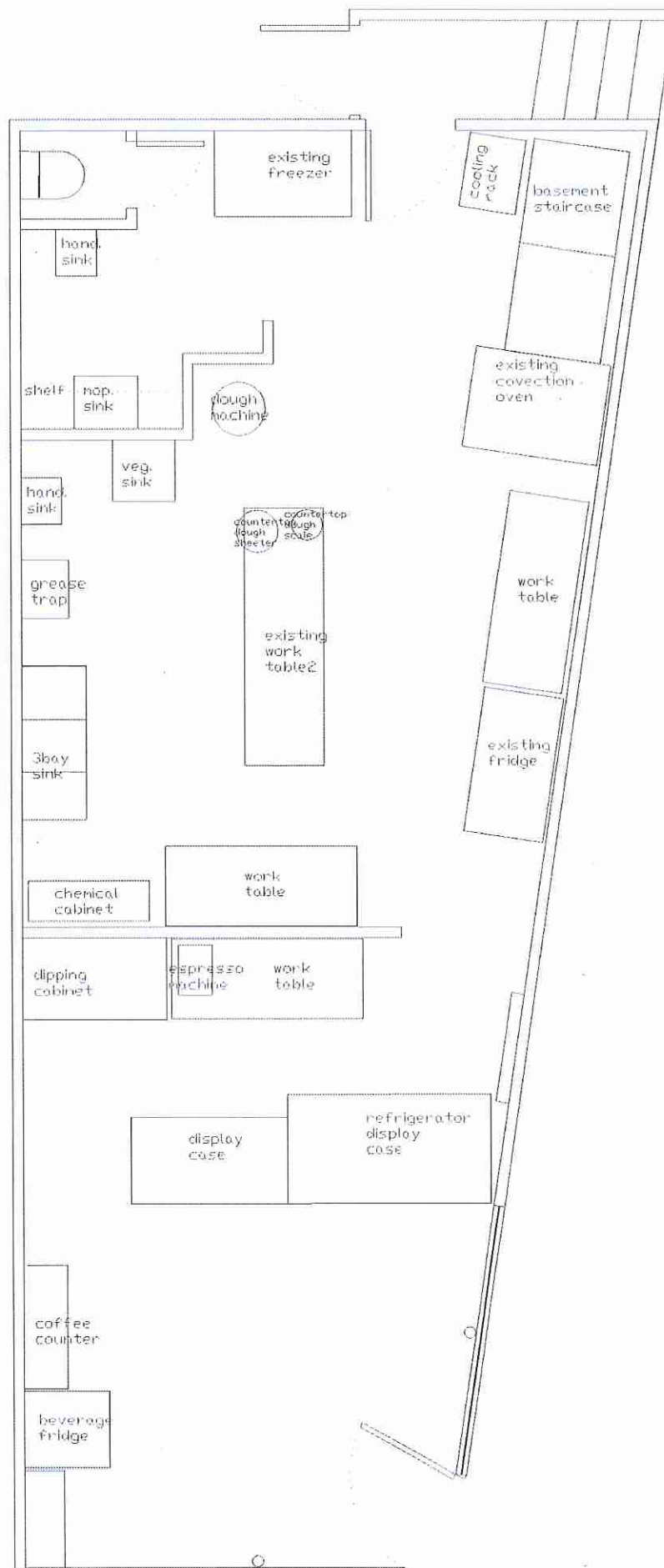
AVE

127

HIGHLAND
AVE.



LAYOUT PLAN



EXISTING LAYOUT PLAN

Outside Facade and Sign Plan

There shall be no change in the outside facade; there shall be no seating.

The Awning structure shall be used as is. The dimensions of the outside awning is 155 inch one side (Mass ave) , 60 inc for the door and 160 inc on the other side (Highland ave.) . Depth is around 30 inch. The color base is cream.

There shall be 10 window signs - approximately 50 inch wide, 40 inch height .

MENU

BAKERY ITEMS

- * Muffins (variety of blueberry, chocolate chip, cinnamon, banana nut, coffee cake, tiramisu)
- * Vegetable muffins (zucchini, carrot, cheese)
- * Brownie
- * Cupcakes
- * Cookies (chocolatechip, macademia nut, cowboy, oatmeal raisin, decorated)
- * Pies (strawberry rhubarb, caramel apple walnut, lemon, ...)
- * scones
- * croissants
- * Quiche (veg+cheese)
- * chesecakes
- * European varieties (Profiterole, eclair, tiramisu, crepes,...)
- * variety of mediterranean/turkish desserts (sampling)
- * simit (turkish style bagel)
- * turnovers
- * granola bars
- * cakes
- * specialty sandwiches and borek
- * turkish pita with variety of toppings (cheese, vegetables, etc)
- * mediterranean vegetable side dishes (hummus, lentil balls, vegetable balls, ...)

ICE CREAM

Dipping stye

BEVERAGES (hot/cold)

- * Soft drinks
- * hot chocolate
- * Specialty Coffee

MAINTENANCE PROGRAM

Preventive maintenance shall be in place for the equipment used in the bakery.

The grease trap shall be maintained as per the requirement.

quarterly 4/4

Other maintenance shall be in accordance with Board of Health and other respective organizations directives.



Town of Arlington, Massachusetts

Approval: Hackney Carriage License Renewals

Summary:

Arlex Yellow Cab - Dave Lucker (Dave's Automotive Inc.)
Arlington Veteran's Taxi - Thomas Whelan
Arlmont Transportation Co. - Louis Truscello
Boston Airport Express - Shafan Nath
Boston ride - Abdullahi Magan
Leo's Taxi - Leo McHugh
Limolex.com/The Good Taxi - Daniel Kalantar
VTS - Michael Antonellis
Yellow Cab Arlex - Ron Bonney

ATTACHMENTS:

Type	Description
Reference Material	Hackney License Renewal packets

2015 RENEWALS:

ARLEX YELLOW CAB-DAVID LUCKER: 4 LICENSES

471 RUSSELL ST., WOBURN, MA 01801

ARLINGTON VETERAN'S TAXI-THOMAS WHELAN: 2 LICENSE

78 WINDSOR ST. ARLINGTON, MA 02474

ARLMONT TRANSPORTATION CO.-LOUIS TRUSCELLO: 13 LICENSES

61R WHITE ST., BELMONT, MA 02479

BOSTON AIRPORT EXPRESS-SHAFAN KUMAR NATH: 1 LICENSE

402 RINDGE AVE., APT. 12H, CAMBRIDGE, MA 02140

BOSTON RIDE-ABDULLAHI MAGAN: 6 LICENSES

18 HOLTEN ST., WEST MEDFORD, MA

LEO'S TAXI SERVICE-LEO MCHUGH: 1 LICENSE

10 JACKSON ROAD, MEDFORD, MA 02155

LIMOLEX-DANIEL KALANTAR: 4 LICENSES

20 SYCAMORE AVE., MEDFORD, MA 02155

VTs-MICHAEL ANTONELLIS: 2 LICENSES

224 CALVARY ST., WALTHAM, MA 02453

YELLOW CAB ARLEX-RON BONNEY: 6 LICENSES

640 BOSTON AVE., MEDFORD, MA 02144-1305

PLEASE NOTE:

- **APPROVAL SHOULD BE "SUBJECT TO CONDITIONS SET FORTH..."**
- **NO LICENSES WILL BE PHYSICALLY HANDED OUT UNTIL INSPECTIONS ARE COMPLETE BY JOE CARABELLO, REGISTRATIONS AND INSURANCE CERTIFICATES ARE VALID AND MATCHED.**
- **MAXIMUM TOTAL NUMBER OF CAB LICENSES AVAILABLE IN TOWN IS 42 AND 39 WERE RENEWED.**

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

The License applied for, if Granted, cannot be Sold, Transferred or
Surrendered without the authority of the Board of Selectmen.

2015

RENEWAL APPLICATION

Taxi Business Operator's Permit Application

Fee: \$50.00 per unit

PRINT NAME: DAVE'S AUTOMOTIVE INC \ DAVID M LUCKER

PRINT D/B/A: DAVE'S AUTOMOTIVE INC - D/B/A - ^{yellow} CAB OF ARLINGTON

ADDRESS: 471 RUSSELL ST Woburn Ma 01801

TEL. NUMBER: cell # 617-610-5656 / ^{Home} # 781-938-9965

① dave2 @ tmo. blackberry. net
② davesautomotiveinc @ hotmail. com

SIGNATURE: David M Lucker ^{DAVE'S} President OF automotive INC

**TOWN OF ARLINGTON
BOARD OF SELECTMEN**

Taxi Business Operator's Permit Application

The following application shall be verified under oath and shall furnish the following information:

Corporate Name: DAVE'S AUTOMOTIVE INC D/B/A: ARlex TAXI yellow CAB ASSO.

Address: 471 Russell ST Woburn Ma 01801

Telephone #: (617) 610-5656 Email: dave2@tmo.blackberry.net or davesautomotiveinc@hotmail.com

Federal Identification No. or Social Security No. [REDACTED]

Current MA Driver License No. (attach a copy) [REDACTED]

Number of Vehicles (include identification no.) All are garaged in Arlington (4) see Attached 1-1997 CROWN VIC #70CAB
FOR VIN #3 + Plates

1-2004 CROWN VIC #72CAB 1-1996-Grand Marquis #74CAB 1-2003 CROWN VIC #73CAB

Location of Proposed Depots and Terminals: Mass Ave across from Capital Theater -
Arlington Center in front of Starbucks + VFW - Buster Mail Arlington HTS

Please list your financial status, including the amounts of all unsatisfied civil judgments against you or any of your employees which involve motor vehicle accidents and the nature of the transaction or acts giving rise to said judgments.

N/A

Please list your experience in the transportation of passengers for hire. I Have Been Serving
The Town of Arlington Since "1993" in The Transportation
Area

Please list any facts which you believe tend to prove that public convenience and necessity require the granting of a license. I wish to service The Town of Arlington to the Best

I am able to I feel Given The Right I could service this
Town Better Than it is Being serviced Shorter waiting time / Reform
The Dial a Ride Program for Seniors

What is the color scheme or insignia to be used to designate your vehicle or vehicles?

PRESENTLY - YELLOW WITH A POCKET STYLE WATCH ON DRIVERS DOOR
AS WELL AS MY COMPANY NAME ON LOWER PANEL OF DRIVERS DOOR PHONE #S ON REAR DOORS
CQB # ON B-PILLER OF CAB

The applicant shall be responsible for keeping a record of any civil judgments rendered against himself or any of his prospective employees that were in any way the result of motor vehicle accidents within the last five years. The applicant shall be responsible for keeping this information current during the term of any license issued.

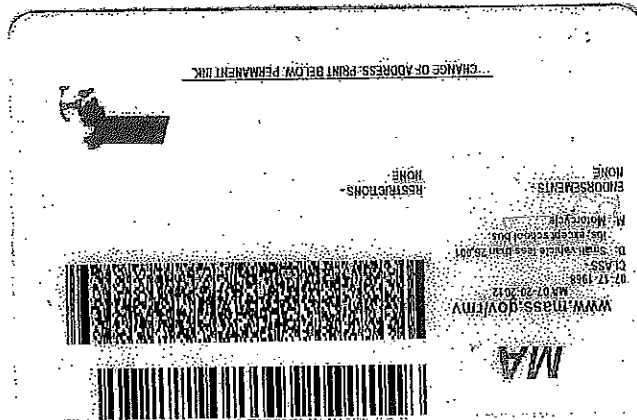
No action shall be taken on any such application until a complete and thorough investigation is made of the applicant by the Chief of Police or his designee and a recommendation thereon is submitted for consideration by the Board of Selectmen.

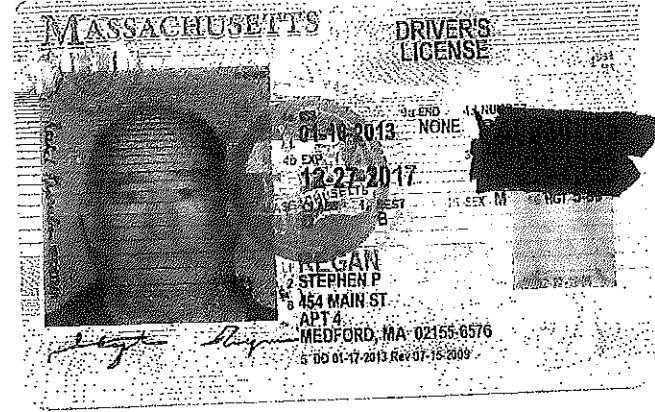
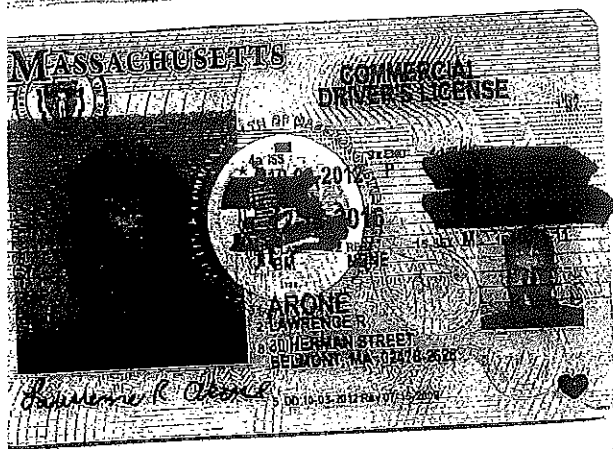
We/I hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and orders/regulations as the Selectmen may establish.

<i>David M. Lucker</i> Signature	<i>President</i> DAVID M LUCKER Please Print Name
<i>DAVE'S AUTOMOTIVE INC</i>	<i>PRESIDENT - DAVE'S AUTOMOTIVE INC</i>

_____ Signature	_____ Please Print Name
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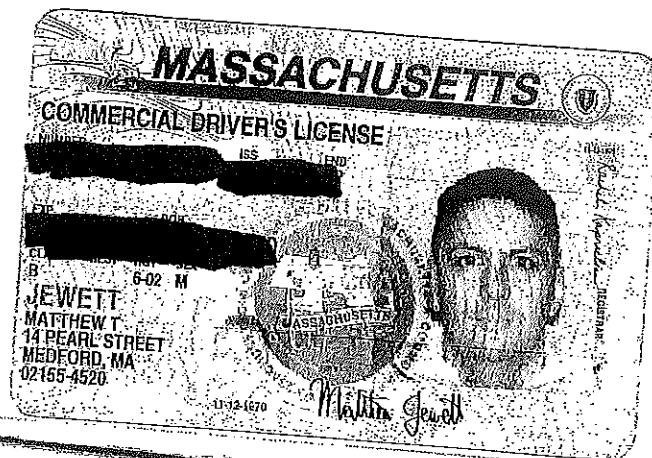
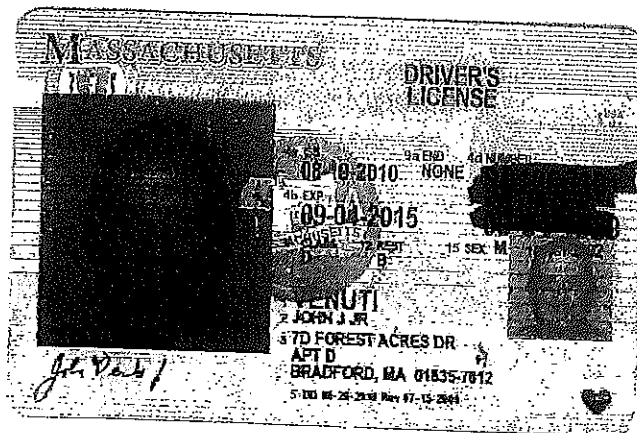
_____ Signature	_____ Please Print Name
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PHIL GRIFFIS
Barry Singer

All Vehicles Are garaged IN ARLINGTON MA.



TOWN OF ARLINGTON
BOARD OF SELECTMEN

Taxi Business Operator's Permit Application

The following application shall be verified under oath and shall furnish the following information:

Corporate Name: _____ D/B/A: ARLINGTON VETERANS TAXI
Address: 78 Windsor ARLINGTON MA 02474
Telephone #: 781-646-0088 Email: KWhelan 0913 @HOTMAIL
Federal Identification No. or Social Security No. [REDACTED]
Current MA Driver License No. (attach a copy) [REDACTED]
Number of Vehicles (include identification no.): 2003 CHRY TOWN/COUNTY LIC # TA 25015 2C46P24392
2007 FORD CROWN-VIC - LIC TA 28398, - 2FA1P71W77 R248896 130019
Location of Proposed Depots and Terminals: SAME AS ABOVE

Please list your financial status, including the amounts of all unsatisfied civil judgments against you or any of your employees which involve motor vehicle accidents and the nature of the transaction or acts giving rise to said judgments.

NONE

Please list your experience in the transportation of passengers for hire. 20 years owner
OF VETERANS TAXI

Please list any facts which you believe tend to prove that public convenience and necessity require the granting of a license.

A need for Public Service

What is the color scheme or insignia to be used to designate your vehicle or vehicles?

Blue + white

The applicant shall be responsible for keeping a record of any civil judgments rendered against himself or any of his prospective employees that were in any way the result of motor vehicle accidents within the last five years. The applicant shall be responsible for keeping this information current during the term of any license issued.

No action shall be taken on any such application until a complete and thorough investigation is made of the applicant by the Chief of Police or his designee and a recommendation thereon is submitted for consideration by the Board of Selectmen.

We/I hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and orders/regulations as the Selectmen may establish.

Thomas J. White
Signature

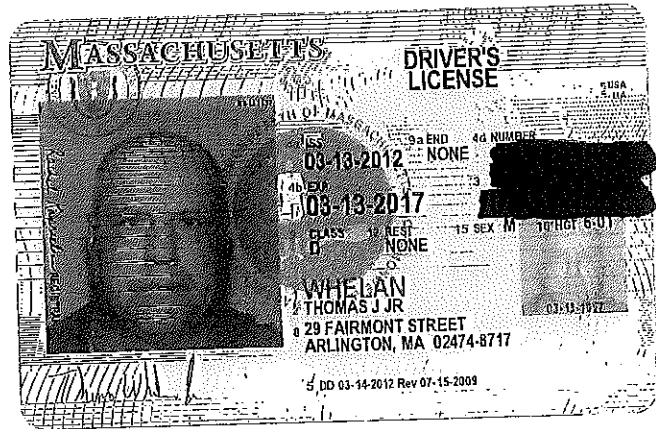
7/1/15
Please Print Name

Signature

Please Print Name

Signature

Please Print Name



DRIVER Edward Pugliese

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

The License applied for, if Granted, cannot be Sold, Transferred or
Surrendered without the authority of the Board of Selectmen.

2015

RENEWAL APPLICATION

Taxi Business Operator's Permit Application

Fee: \$50.00 per unit

PRINT NAME: Louis Truscello

PRINT D/B/A: ARLINGTON TAXI

ADDRESS: BOX 79068, 61 WHITE ST, BELMONT, MA 02479

TEL. NUMBER: 781.643.1300

EMAIL: ARLBELTRANS@AOL.COM

SIGNATURE: 

**TOWN OF ARLINGTON
BOARD OF SELECTMEN**

Taxi Business Operator's Permit Application

The following application shall be verified under oath and shall furnish the following information:

Corporate Name: ARLINGTON SERVICES INC. D/B/A: ARLINGTON TAXI

Address: 61 WHITE ST., BOX 79068, BELMONT, MA 02479

Telephone #: 781 643 1300 Email: ARLBELTRANS@AOL.COM

Federal Identification No. or Social Security No. [REDACTED]

Current MA Driver License No. (attach a copy) N/A

Number of Vehicles (include identification no.) (13) 13

Location of Proposed Depots and Terminals: N/A

Please list your financial status, including the amounts of all unsatisfied civil judgments against you or any of your employees which involve motor vehicle accidents and the nature of the transaction or acts giving rise to said judgments.

N/A

Please list your experience in the transportation of passengers for hire. 46 YEARS

Please list any facts which you believe tend to prove that public convenience and necessity require the granting of a license.

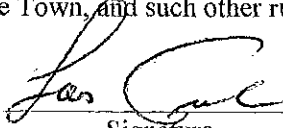
N/A

What is the color scheme or insignia to be used to designate your vehicle or vehicles?

The applicant shall be responsible for keeping a record of any civil judgments rendered against himself or any of his prospective employees that were in any way the result of motor vehicle accidents within the last five years. The applicant shall be responsible for keeping this information current during the term of any license issued.

No action shall be taken on any such application until a complete and thorough investigation is made of the applicant by the Chief of Police or his designee and a recommendation thereon is submitted for consideration by the Board of Selectmen.

We/I hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and orders/regulations as the Selectmen may establish.


Signature

LOUIS TRUSELLO

Please Print Name

Signature

Please Print Name

Signature

Please Print Nam

ARLINGTON SERVICES INC
2015 EQUIPMENT LIST

UNIT #	PLATE	VIN #	YEAR	MAKE	MODEL
1	TA164C	2FAHP71V39X115018	2009	FORD	CROVIC
5	TA27265	2FAHP71W07X151464	2007	FORD	CROVIC
7	TA175C	2FAHP71W27X151515	2007	FORD	CROVIC
10	TA23424	2FAFP71W36X122143	2006	FORD	CROVIC
15	TA165C	2FAFP71W53X197860	2003	FORD	CROVIC
17	TA167C	2FAFP71WXWX127307	1998	FORD	CROVIC
19	TA170C	2FAHP71W83X176767	2003	FORD	CROVIC
21	TA174C	2FAFP71W34X111852	2004	FORD	CROVIC
23	TA26656	2FAFP71W23X143383	2003	FORD	CROVIC
25	TA171C	2FAFP71W77X134314	2007	FORD	CROVIC
27	TA172C	2FAFP71W85X176925	2005	FORD	CROVIC
29	TA173C	2FAFP71W6WX154908	1998	FORD	CROVIC
60	TA17858	2FAHP71W53X213743	2003	FORD	CROVIC

DRIVER LIST FOR Town OF Arlington Renewal 2015

Note: attached drivers hold a current hackney License.

Issued by the Arlington Police Dept

Name

Paul Parizale

Richard Kovacev

Daniel Mason

Cory Pelton

Thomas Pittorino

David McCaffrey

Robert Gatta

Kenneth Roderick

Robert Cannata

Salvatore Parizale

Ari Davidson

Timothy Leary

Anthony Pelton

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

**The License applied for, if Granted, cannot be Sold, Transferred or
Surrendered without the authority of the Board of Selectmen.**

2015

RENEWAL APPLICATION

Taxi Business Operator's Permit Application

Fee: \$50.00 per unit

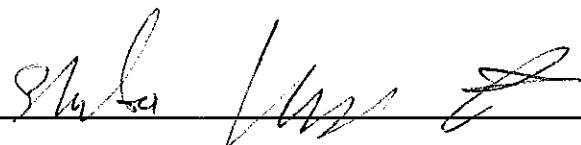
PRINT NAME: SHAFAN KUMAR NATH

PRINT D/B/A: BOSTON AIRPORT EXPRESS

ADDRESS: 402 RINDGE AVE APT 12H CAMBRIDGE MA 02140

TEL. NUMBER: 617-499-7700

EMAIL: SNATH2001@GMAIL.COM

SIGNATURE: 

**TOWN OF ARLINGTON
BOARD OF SELECTMEN**

Taxi Business Operator's Permit Application

The following application shall be verified under oath and shall furnish the following information:

Corporate Name: BOSTON AIRPORT EXPRESS D/B/A: BOSTON AIRPORT EXPRESS

Address: 402 RINDGE AVE APT 12H, CAMBRIDGE MA 02140

Telephone #: 617-499-7700 Email: SNATH2001@GMAIL.COM

Federal Identification No. or Social Security No. [REDACTED]

Current MA Driver License No.(attach a copy) [REDACTED]

Number of Vehicles (include identification ^① no.) 1

5TDYK3DC5DS399977

Location of Proposed Depots and Terminals: 402 RINDGE AVE APT 12H
CAMBRIDGE MA 02140

Please list your financial status, including the amounts of all unsatisfied civil judgments against you or any of your employees which involve motor vehicle accidents and the nature of the transaction or acts giving rise to said judgments.

I DO NOT HAVE ANY UNSATISFIED CIVIL JUDGMENTS
AGAINST ME OR ANY OF MY EMPLOYEE

Please list your experience in the transportation of passengers for hire.

I HAVE BEEN IN TRANSPORTATION BUSINESS SINCE 1994. I
DROVE A CAB IN NYC 1994-1999. I STARTED IN MASS SINCE 2005-PRESENT

Please list any facts which you believe tend to prove that public convenience and necessity require the granting of a license.

ARLINGTON
PEOPLE IN THE AREA NEED RELIABLE CAB SERVICE AND I
AM RELIABLE & SAFE

What is the color scheme or insignia to be used to designate your vehicle or vehicles?

COLOR SCHEME IS SILVER TOYOTA SIENNA 2013 WITH
NAME & LOGO OF BOSTON AIRPORT EXPRESS

The applicant shall be responsible for keeping a record of any civil judgments rendered against himself or any of his prospective employees that were in any way the result of motor vehicle accidents within the last five years. The applicant shall be responsible for keeping this information current during the term of any license issued.

No action shall be taken on any such application until a complete and thorough investigation is made of the applicant by the Chief of Police or his designee and a recommendation thereon is submitted for consideration by the Board of Selectmen.

We/I hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and orders/regulations as the Selectmen may establish.


Signature

SHAFAN KUMAR NATH
Please Print Name

Signature

Please Print Name

Signature

Please Print Name

Shafan Nath

Solo Driver

MASSACHUSETTS COMMERCIAL DRIVER'S LICENSE

01-03-2011 02-25-2016

SEX: B HEIGHT: 5'11" WEIGHT: 175 EYES: B HAIR: B SKIN: M

NATH SHAFAN KUMAR
402 RINDGE AVE
CAMBRIDGE, MA 02140-2921

5 DD 91-94-2011 REV 07-15-2009

Shafan Nath

IVED
MISC
K 1A

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

**The License applied for, if Granted, cannot be Sold, Transferred or
Surrendered without the authority of the Board of Selectmen.**

2015

RENEWAL APPLICATION

Taxi Business Operator's Permit Application

Fee: \$50.00 per unit

PRINT NAME: ABDULLAH MAGANI

PRINT D/B/A: Boston Ride

ADDRESS: 18 HOLTON STREET, WEST MEDFORD

TEL. NUMBER: (617) 869-8019

EMAIL: BostonTaxiSvc@aol.com

SIGNATURE: 

**TOWN OF ARLINGTON
BOARD OF SELECTMEN**

Taxi Business Operator's Permit Application

The following application shall be verified under oath and shall furnish the following information:

Corporate Name: ABDULLAH^o MAGAN D/B/A: BOSTON RIDE

Address: 18 HOLTON STREET, WEST MEDFORD, MA-02155

Telephone #: (617) 869-8019 Email: BOSTONTAXISRVCS@AOL.COM

Federal Identification No. or Social Security No. [REDACTED]

Current MA Driver License No. (attach a copy) [REDACTED]

Number of Vehicles (include identification no.) (6) SIX VEHICLES - see registrations

Location of Proposed Depots and Terminals: 18 HOLTON STREET, MEDFORD

Please list your financial status, including the amounts of all unsatisfied civil judgments against you or any of your employees which involve motor vehicle accidents and the nature of the transaction or acts giving rise to said judgments.

SELF EMPLOYED WITH \$90K CASH FLOW/ANNUALLY. CURRENTLY OUR BUSINESS HAS SECURITY BOARD TOTALING \$100K INCLUDING BANK DEPOSITS. THERE IS NO FINANCIAL OR CIVIL JUDGMENT LIABILITY ^{OUTSTANDING} AGAINST COMPANY OR ITS PRINCIPAL OWNER.

Please list your experience in the transportation of passengers for hire. CURRENTLY OPERATING FLEET OF SIX CABS THAT ARE SERVING TOWN OF ARLINGTON. MORE THAN 3-YEARS OUR COMPANY SHOWS OUTSTANDING CUSTOMER SERVICE

Please list any facts which you believe tend to prove that public convenience and necessity require the granting of a license.

WE ARE REQUESTING RENEWAL OF OUR PERMITS (6) THAT ARE CURRENTLY IN OPERATION

What is the color scheme or insignia to be used to designate your vehicle or vehicles?

Green & white

The applicant shall be responsible for keeping a record of any civil judgments rendered against himself or any of his prospective employees that were in any way the result of motor vehicle accidents within the last five years. The applicant shall be responsible for keeping this information current during the term of any license issued.

No action shall be taken on any such application until a complete and thorough investigation is made of the applicant by the Chief of Police or his designee and a recommendation thereon is submitted for consideration by the Board of Selectmen.

We/I hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and orders/regulations as the Selectmen may establish.


Signature

Please Print Name

Signature

Please Print Name

Signature

Please Print Nam

Here are the List of Drivers providing taxi service through Boston Ride

Town of Arlington Hackney Licensed Drivers

Ronald Freeman
Hackney No: **2013-52**

Abdullahi Magan
Hackney No: **2013-28**

Habib Mohamud
Hackney No: **2013-29**

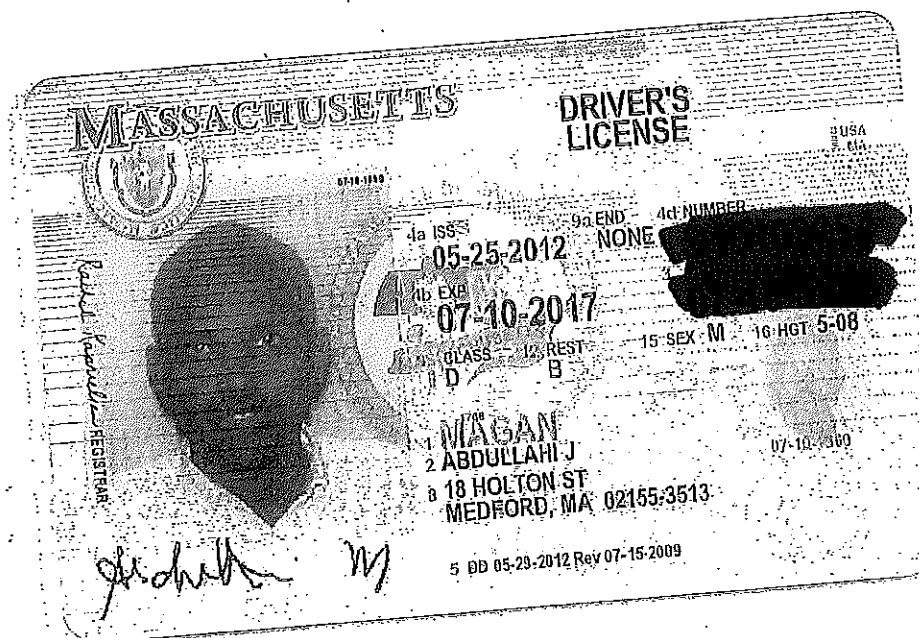
Abdulle
Hackney No: **2013-41**

Shuabu Zuntu
Hackney No: **2013-36**

Aynanshe Magan
Hackney No: **2014-06**

Muse
Hackney No: **2013-40**

Willie Lee Brown
Hackney No: **2014-04**



OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

The License applied for, if Granted, cannot be Sold, Transferred or
Surrendered without the authority of the Board of Selectmen.

2015

RENEWAL APPLICATION

Taxi Business Operator's Permit Application

Fee: \$50.00 per unit

PRINT NAME: LEO McHUGH

PRINT D/B/A: LEO'S TAXI SERVICE

ADDRESS: 10 JACKSON RD MEDFORD, MA. 02155

TEL. NUMBER: 781 483 6362

EMAIL: MAY MAY MCHUGH @ VERIZON . NET

SIGNATURE: Leo McHugh

TOWN OF ARLINGTON
BOARD OF SELECTMEN

Taxi Business Operator's Permit Application

The following application shall be verified under oath and shall furnish the following information:

Corporate Name: LEO MCHUGH D/B/A: LEO'S TAXI SERVICE
Address: 10 JACKSON RD MEDFORD, MA 02155
Telephone #: 781 483 6362 Email: MAY MAY MCHUGH@VERIZON.NET
Federal Identification No. or Social Security No. [REDACTED]
Current MA Driver License No. (attach a copy) [REDACTED]
Number of Vehicles (include identification no.) ^① ONE VEHICLE
VIN# 4M2DU86EX5UT18560
Location of Proposed Depots and Terminals: MASS AVE ARLINGTON CENTER

Please list your financial status, including the amounts of all unsatisfied civil judgments against you or any of your employees which involve motor vehicle accidents and the nature of the transaction or acts giving rise to said judgments.

NONE

Please list your experience in the transportation of passengers for hire. I HAVE BEEN
OPERATING A TAXI IN ARLINGTON FOR
35 YEARS

Please list any facts which you believe tend to prove that public convenience and necessity require the granting of a license. HUNDREDS OF PEOPLE TAKE TAXI CARS IN ARLINGTON
EVERY DAY OF THE YEAR. IT IS GOOD FOR THE
ECONOMY AND TAKES MORE CARS OFF THE ROAD

What is the color scheme or insignia to be used to designate your vehicle or vehicles?

YELLOW

The applicant shall be responsible for keeping a record of any civil judgments rendered against himself or any of his prospective employees that were in any way the result of motor vehicle accidents within the last five years. The applicant shall be responsible for keeping this information current during the term of any license issued.

No action shall be taken on any such application until a complete and thorough investigation is made of the applicant by the Chief of Police or his designee and a recommendation thereon is submitted for consideration by the Board of Selectmen.

We/I hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and orders/regulations as the Selectmen may establish.

Leo McHugh
Signature

LEO MCHUGH
Please Print Name

Signature

Please Print Name

Signature

Please Print Name

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

**The License applied for, if Granted, cannot be Sold, Transferred or
Surrendered without the authority of the Board of Selectmen.**

2015

RENEWAL APPLICATION

Taxi Business Operator's Permit Application

Fee: \$50.00 per unit

PRINT NAME: LIMOLEX, DANIEL KALANTAR - OWNER

PRINT D/B/A: THE GOOD TAXI

ADDRESS: 20 SYCAMORE AVE, MEDFORD, MA 02155

TEL. NUMBER: 617-855-6500

EMAIL: RESERVATIONS@LIMOLEX.COM

SIGNATURE: D. Kalantar

**TOWN OF ARLINGTON
BOARD OF SELECTMEN**

Taxi Business Operator's Permit Application

The following application shall be verified under oath and shall furnish the following information:

Corporate Name: LIMOLEX.COM INC. D/B/A: THE GOOD TAXI

Address: 20 SYCAMORE AVE, MEDFORD, MA 02155

Telephone #: 617-855-6500 Email: RESERVATIONS@LIMOLEX.COM

Federal Identification No. or Social Security No. [REDACTED]

Current MA Driver License No.(attach a copy) _____

Number of Vehicles (include identification no.) (4) 4 VEHICLES. 1) DODGE CARAVAN 2D4GP44L76R 770851

2) FORD CROWN VIC 2FAFP71W66X122184 3) FORD CV 2FAFP71WX6X133186

4) FORD CV 2FABP7BV9AX124113

Location of Proposed Depots and Terminals: 20 SYCAMORE AVE, MEDFORD, MA 02155

Please list your financial status, including the amounts of all unsatisfied civil judgments against you or any of your employees which involve motor vehicle accidents and the nature of the transaction or acts giving rise to said judgments.

NONE (NO JUDGEMENTS OUTSTANDING OR PENDING)

FINANCIAL STATUS: THE COMPANY IS PROFITABLE, ALL VEHICLES WELL-MAINTAINED, CLEAN AND SAFE.

Please list your experience in the transportation of passengers for hire. TAXI DRIVER / CAB COMPANY OPERATOR IN ARLINGTON, MA SINCE JAN. 2009.

Please list any facts which you believe tend to prove that public convenience and necessity require the granting of a license.

BETWEEN 100-200 INDIVIDUALS USE THE GOOD TAXI EVERY WEEK FOR TRANSPORTATION FROM ARLINGTON TO LOGAN AIRPORT, WITH ANOTHER 70-150 TO OTHER DESTINATIONS. WE OPERATE 7 DAYS A WEEK, 24 HOURS PER DAY.

What is the color scheme or insignia to be used to designate your vehicle or vehicles?

SILVER / GRAY VEHICLES WITH BLACK LETTERING
STATING COMPANY NAME (THE GOOD TAXI) AND PHONE
NUMBER 617-855-6500, AS WELL AS TOWN - ARLINGTON.

The applicant shall be responsible for keeping a record of any civil judgments rendered against himself or any of his prospective employees that were in any way the result of motor vehicle accidents within the last five years. The applicant shall be responsible for keeping this information current during the term of any license issued.

No action shall be taken on any such application until a complete and thorough investigation is made of the applicant by the Chief of Police or his designee and a recommendation thereon is submitted for consideration by the Board of Selectmen.

We/I hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and orders/regulations as the Selectmen may establish.

D. Kalantar

Signature

DANIEL KALANTAR

Please Print Name

Signature

Please Print Name

Signature

Please Print Name

July 1, 2015

Limolex.com DBA The Good Taxi

List of Taxi Drivers

Michael Brennan
Victor Magnifico
Gary DaSilva
Steven Ferreira
Enzo DiFilippo
John Greene
Mark Pidgeon
Jeffrey Norman

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

The License applied for, if Granted, cannot be Sold, Transferred or
Surrendered without the authority of the Board of Selectmen.

2015

RENEWAL APPLICATION

Taxi Business Operator's Permit Application

Fee: \$50.00 per unit

PRINT NAME: Michael Antonellis

PRINT D/B/A: VT S

ADDRESS: 224 Calvary St Waltham 02453

TEL. NUMBER: 781-693-5423

EMAIL: mantonellis@veteranstaxi.com

SIGNATURE: Michael Antonellis

**TOWN OF ARLINGTON
BOARD OF SELECTMEN**

Taxi Business Operator's Permit Application

The following application shall be verified under oath and shall furnish the following information:

Corporate Name: Manton Transportation Inc D/B/A: V.T. S

Address: 224 Calvary St

Telephone #: 781-693-5423 Email: mantonellsveteran taxi.com

Federal Identification No. or Social Security No. [REDACTED]

Current MA Driver License No.(attach a copy) _____

Number of Vehicles (include identification no.) (2) 2

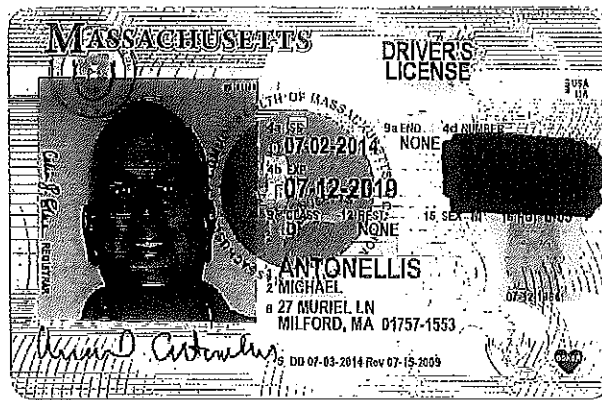
Location of Proposed Depots and Terminals: 594 Pleasant St Watertown

Please list your financial status, including the amounts of all unsatisfied civil judgments against you or any of your employees which involve motor vehicle accidents and the nature of the transaction or acts giving rise to said judgments.

N/A

Please list your experience in the transportation of passengers for hire. 30 years in Business

Please list any facts which you believe tend to prove that public convenience and necessity require the granting of a license. _____



Drivers Name: Robert Hill

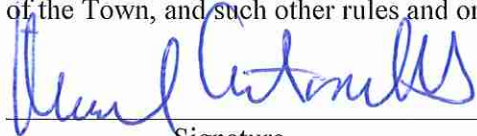
What is the color scheme or insignia to be used to designate your vehicle or vehicles?

David White Car Red Stripe

The applicant shall be responsible for keeping a record of any civil judgments rendered against himself or any of his prospective employees that were in any way the result of motor vehicle accidents within the last five years. The applicant shall be responsible for keeping this information current during the term of any license issued.

No action shall be taken on any such application until a complete and thorough investigation is made of the applicant by the Chief of Police or his designee and a recommendation thereon is submitted for consideration by the Board of Selectmen.

We/I hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and orders/regulations as the Selectmen may establish.



Signature

Michael Antonelli

Please Print Name

Signature

Please Print Name

Signature

Please Print Name

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

**The License applied for, if Granted, cannot be Sold, Transferred or
Surrendered without the authority of the Board of Selectmen.**

2015

RENEWAL APPLICATION

Taxi Business Operator's Permit Application

Fee: \$50.00 per unit

PRINT NAME: Arlington Yellow Cab

PRINT D/B/A: Yellow Cab

ADDRESS: 640 Boston Ave

TEL. NUMBER: 781 648 1000 617 461 3980 Ron Cell

EMAIL: Ron Bonney@aol.com

SIGNATURE: RLB

*Mr Corabelli is
scheduled to be
appointed for
over 10 years*

**TOWN OF ARLINGTON
BOARD OF SELECTMEN**

Taxi Business Operator's Permit Application

The following application shall be verified under oath and shall furnish the following information:

Corporate Name: Yellow Cab D/B/A: Yellow Cab

Address: 640 Boston Ave Medford Ma 02155

Telephone #: 781 6481000 Email: Ron Bonney@aol.com

Federal Identification No. or Social Security No. [REDACTED]

Current MA Driver License No.(attach a copy) [REDACTED]

Number of Vehicles (include identification no.) ⑥ Six 20, 23, 25, 35, 21, 29

Location of Proposed Depots and Terminals: Established Taxi stand within town
640 Boston Ave Medford

Please list your financial status, including the amounts of all unsatisfied civil judgments against you or any of your employees which involve motor vehicle accidents and the nature of the transaction or acts giving rise to said judgments.

None 300K

Please list your experience in the transportation of passengers for hire.

Thirty Years as Taxi Operator

Please list any facts which you believe tend to prove that public convenience and necessity require the granting of a license. Renewal

Drivers: Griffiths, Venoti, Bozard, McCogh, Medina, Gately, Arone

MASSACHUSETTS
DRIVER'S LICENSE

Ronald Bonney

1 **BONNEY**
2 **RONALD**
3 **28 VINAL AVENUE**
4 **SOMERVILLE, MA 02143-1804**

5 **DOB: 12-14-2011** **EXP: 07-15-2009**

6 **SEX: M** **HAIR: B** **EYES: B** **SKIN: F** **HEIGHT: 5'10"** **WEIGHT: 175** **MARKS: NONE**

7 **CLASS: 1** **REST: 15** **SEC: 14**

8 **06-25-2016**

9 **USA**

10 **USA**

What is the color scheme or insignia to be used to designate your vehicle or vehicles?

Yellow black lettering

Black yellow lettering

The applicant shall be responsible for keeping a record of any civil judgments rendered against himself or any of his prospective employees that were in any way the result of motor vehicle accidents within the last five years. The applicant shall be responsible for keeping this information current during the term of any license issued.

No action shall be taken on any such application until a complete and thorough investigation is made of the applicant by the Chief of Police or his designee and a recommendation thereon is submitted for consideration by the Board of Selectmen.

We/I hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and orders/regulations as the Selectmen may establish.



Signature

Ronald Bonney

Please Print Name

Signature

Please Print Name

Signature

Please Print Name



Town of Arlington, Massachusetts

CITIZENS OPEN FORUM



Town of Arlington, Massachusetts

For Approval: Handicap Parking Sign Request

Summary:

Phyllis Rickter, 88 Hemlock Street

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	Inspections Summary Report, Police memo, Fire memo, Rickter request, meeting notice

INSPECTIONS SUMMARY REPORT

Type of Request: Residential Handicap Parking Sign Application

Name of Applicant: **Phyllis Richter**

Address: **88 Hemlock Street**

The following Departments have **no objections** to the issuance of said license:

- Police X
- Fire X

The following Departments have **objections** to the issuance of said license:
(see attached)

- Police
- Fire

ARLINGTON POLICE DEPARTMENT

CHIEF OF POLICE

Frederick Ryan



Town of Arlington
MASSACHUSETTS 02474

POLICE HEADQUARTERS

112 Mystic Street
Telephone 781-316-3900
Facsimile 781-316-3919

MEMORANDUM

TO: Marie Krepelka
Board Administrator

FROM: Officer Corey P. Rateau
Traffic and Parking Unit

DATE: August 5, 2015

RE: Residential Handicap Parking Request – 88 Hemlock Street

Per your request, The Arlington Police Department Traffic and Parking Unit looked into a petition Mrs. Phyliss Rickter to have a handicap parking space placed at their residence at 88 Hemlock Street. The proposed location would be on the Epping Street side of their property near the walkway leading to their side entrance. After examining the property and speaking with the Rickters, there is no objection to the designation of such a space.

The Rickters are already aware that the space is not theirs exclusively and that anyone with a handicap placard/plate would be allowed park there. Additionally, they should be advised that the space may not be used during declared snow emergencies and also that unless otherwise permitted, a handicap placard does not allow a vehicle to park on the public way in violation of an instituted overnight parking ban (as so listed on page 18 in the Disability Rights Laws in Massachusetts booklet from the Massachusetts Office on Disability).

If approved and necessary, I will gladly meet with DPW to point out suitable location for the sign.

CPR

Cc: Frederick Ryan, Chief of Police
Capt. Julie Flaherty, Support Services Commander
Lt. Paul Conroy, OIC, Traffic and Parking Unit
Arlington Fire Department Operations
Adam Chapdelaine, Town Manager

"Proactive and Proud"

From: "John Kelly (Fire Dept)" <JKelly@town.arlington.ma.us>
To: "MaryAnn Sullivan" <MSullivan@town.arlington.ma.us>
Date: 08/04/2015 04:05 PM
Subject: Re: Residential Handicap Parking Request 88 Hemlock St.

I have no problems with this.

Thank You

Deputy Chief John R Kelly
Arlington Fire Dept.
Operations Division
781-316-3803

AUG 4 6 21 AM '15

TOWN OF ARLINGTON
Residential Handicap Parking Sign Application

Name: PHYLLIS RICKTER

Address: 88 HEMLOCK ST.

Telephone: Home: 781 643 7575 Work: SAME

Date: JULY 30, 2015

Please read the Board of Selectmen Residential Handicap Parking Sign Policy prior to completing this application. If you have any questions regarding the application process, please contact the Office of the Board of Selectmen.

1. Please attach a photocopy of your handicap placard, or documentation that you have a handicap plate. It is not necessary to attach any additional documentation.
2. Are you the owner of your residence? YES
3. Do you have off-street parking? YES
4. If yes, how many off-street spaces? 1

On the reverse side of this page, please provide the general reasons why the granting of such a space will increase your ability to access/egress your home. When providing your reasoning, you should address those questions listed in the Off-Street Parking section of the Board's policy, found on page two, that are relevant to your application.

When you have completed this application, and attached a photocopy of your placard, or documentation of your plate, please forward your application to the Office of the Board of Selectmen. Within two weeks you will be contacted regarding your application.

Application for Handicapped Parking Sign

Town of Arlington, MA 30 July 2015

I have difficulty with mobility and am legally blind. My husband, Don Rickter, is helping me fill out this paperwork. It is no longer possible for me to walk down the steep stairs to our garage under our house at 88 Hemlock Street. We live on a difficult hill, at the corner of Epping Street. He is able to drive our car, our only car, to the back door of our house, on Epping Street, where there is a street-level path. The two of us are able to get out to the car if no one has parked at the end of the path. Sometimes we have to ask drivers to have the courtesy to park elsewhere. If there were a "Handicapped Parking" space it would provide us with peace of mind, giving us the opportunity to leave quickly for a doctor's appointment. The requested space would provide direct and convenient access to our car (unless there is ice or snow -- not so convenient, but the best we can do).

Sometimes I use my Rollator, but I always rely on it or my cane.
I do not use oxygen or a wheelchair.

We own a single-family house at 88 Hemlock Street, since the house was brand-new in December 1969. It is in better shape than we are.

We live at a busy intersection in a neighborhood which has frequent parties; many cars of visitors may park at our end of Epping Street.

The desired space would not impact traffic flow or access by fire apparatus. The nearest hydrant is a block away.

At the present time there are no other people in the neighborhood who use a Handicap Placard. We realize the space would be available to any vehicle with such a placard.

P93450916

Expires:

02-26-20

**Disabled Persons
Parking Identification Placard**



RICKTER

PHYLLIS

C

**Commonwealth of
Massachusetts**





The Commonwealth of Massachusetts
Massachusetts Commission for the Blind
48 Boylston Street Boston, MA 02116-4718

Certificate of Blindness

This is to certify that the person whose name appears below is registered as blind under the provisions of Section 136 Chapter 6 of the General Laws of Massachusetts. This person has remained continuously registered as blind since

August 3 2011

Date of Registration

101831

Registration Number

September 13 2011

Date of Issue

Janet L. LaBreck
Commissioner *CP*

PHYLLIS C RICKTER
88 HEMLOCK ST
ARLINGTON, MA 02474



The Commonwealth of Massachusetts
Massachusetts Commission for the Blind
48 Boylston Street Boston, MA 02116-4718

Certificate of Blindness

This is to certify that the person whose name appears below is registered as blind under the provisions of Section 136 Chapter 6 of the General Laws of Massachusetts. This person has remained continuously registered as blind since

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Date of Registration

101831

Registration Number

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Date of Issue

Janet L. LaBreck
Commissioner

PHYLLIS C RICKTER
88 HEMLOCK ST
ARLINGTON, MA 02474



The Commonwealth of Massachusetts
Massachusetts Commission for the Blind
48 Boylston Street Boston, MA 02116-4718

Certificate of Blindness

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August 3 2011

Date of Registration

101831

Registration Number

September 13 2011

Date of Issue

Janet L. LaBreck
Commissioner

PHYLLIS C RICKTER
88 HEMLOCK ST
ARLINGTON, MA 02474

OFFICE OF THE BOARD OF SELECTMEN

KEVIN F. GREELEY, CHAIR
DIANE M. MAHON, VICE CHAIR
DANIEL J. DUNN
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

August 10, 2015

Phyllis Rickter
88 Hemlock Street
Arlington, MA 02474

Dear Mrs. Rickter:

The Board of Selectmen will be discussing your request for a residential handicap parking space at their meeting on Monday, August 17th in the Selectmen's Chambers, Town Hall, 2nd Floor. The meeting begins at 7:15 p.m. You or your representative is invited to be in attendance at this meeting.

Kindly call the office of the Board of Selectmen to confirm the date and time with either Mary Ann or Fran.

Thank you.

Very truly yours,
BOARD OF SELECTMEN

A handwritten signature in cursive script that reads "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator

MAK:fr



Town of Arlington, Massachusetts

Request: Two Accessible Parking Spaces, Maple Street

Summary:

Carol Kowalski, Director, Department of Planning and Community Development

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	Request from Carol Kowalski



TOWN OF ARLINGTON

MASSACHUSETTS 02476

781 - 316 - 3090

DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Board of Selectmen
FROM: Carol Kowalski, Director
DATE: July 13, 2015
RE: Two Accessible parking spaces, Maple Street
Cc: A. Chapdelaine, C. Rateau, M. Rademacher, J. Jones, S. Carp

This memorandum requests that the Board act to designate two accessible parking spaces on Maple Street near the Central School. At present there are no on-street or on-site designated accessible parking spaces that meet Americans with Disabilities Act requirements. The Disabilities Commission and the Council on Aging are headquartered in the Central School and tenants include the Arlington Seniors Association and the Commonwealth of Massachusetts Department of Development Services and Department of Mental Health. The need for these spaces is further justified by members of the public visiting the nearby Masonic Temple and Friends of the Drama.



As shown on the attached map, one space would be designated on Maple Street just before its intersection with Academy Street. The other accessible space would be just after the east curb-cut of the half-circle driveway. These proposed locations for accessible spaces have been determined with advice from Safety Officer Corey Rateau, Director of Public Works Mike Rademacher, Council on Aging Director Susan Carp, Americans with Disabilities Act Coordinator Jack Jones, and with the Disabilities Commission. These proposed locations and dimensions are considered optimal to meet code requirements and for public convenience. Locations on the site of the Central School were considered, but steep grades, distance from the accessible entry door and prior parking arrangements with building occupants preclude designating accessible spaces on-site. Designating a code-compliant space on Maple Street near the Academy Street intersection could also keep that corner free of illegally parked cars that block the intersection.

I appreciate the Board's consideration of this request, and will be pleased to provide further information or to answer questions.

25 Academy St Arlington Senior Center

Town of Arlington, MA

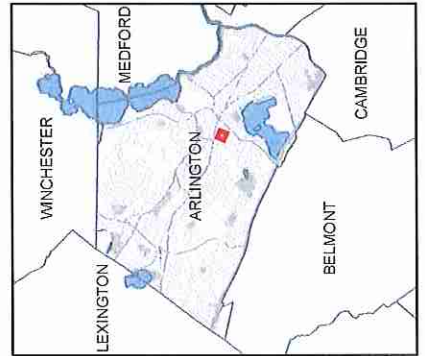
LEGEND

-  Major Road
-  Local Road
-  Parcel Boundary



The information shown on this map is from the Arlington Geographic Information System (GIS) database and is intended for informational purposes only. The Town of Arlington has made reasonable efforts to ensure accuracy of the content, but does not guarantee the accuracy of the information. Users are responsible for determining its suitability for their intended use or purpose.

Map for planning purposes only. Created by the Arlington GIS Office, last update 7/13/2015.





Town of Arlington, Massachusetts

Discussion: Tree Preservation Bylaw for 2016 Town Meeting Warrant

Summary:

Susan Stamps, Mary Ellen Aronow, Sally Naish
Arlington Tree Committee Members

ATTACHMENTS:

Type	Description
▢ Reference Material	Memorandum from Tree Committee
▢ Reference Material	Comparison of Tree ByLaws by Town
▢ Reference Material	Arlington Before and After Pictures
▢ Reference Material	Wellesley Tree Bylaws
▢ Reference Material	Weston Tree Bylaws
▢ Reference Material	Lexington Tree Bylaws
▢ Reference Material	Cambridge Tree Bylaws
▢ Reference Material	Newton Tree Bylaws

MEMORANDUM

To: Arlington Board of Selectmen

From: Susan Stamps, Arlington Tree committee

Date: August 17, 2015

Re: Tree Committee appearance at 8/17/15 Board of Selectmen meeting to discuss the urgent need for a bylaw regulating removal of trees on private property

It has come to the Tree committee's attention that residents throughout the town of Arlington are concerned about removal of trees on private property in their neighborhoods. Increasing unchecked elimination of trees during development has dramatically changed neighborhoods to their detriment and left residents wondering how the town could allow this to happen. Other towns, nearby and across the country, have restrictions and oversight of tree removals on private property during development, but Arlington has none.¹ The Tree Committee feels regulation is urgently needed as soon as possible and asks that the Board of Selectmen work with the Tree Committee to prepare a bylaw to be presented to the 2015 fall special Town Meeting (if there is one) or 2016 annual Town Meeting. If there are interim rules that the Town can adopt, we urge that the Board do that, too.

We have done some research as to area towns and find that Lexington, Cambridge, Brookline, Newton, Wellesley and other towns regulate the removal of trees on private property. These towns' regulations do not apply to a homeowner's removal of a tree or two, but, rather to major construction projects, such as a new house or a large addition, and only to trees of a certain size within a defined setback. I attach the tree bylaws of several towns with this memorandum as examples of what we feel is critically needed in Arlington.

The newly adopted Arlington Master Plan recognizes the importance of trees to the quality of life in Arlington and thus the need to protect them - whether on public or private property.

¹ Removal of trees on public property (owned by the town) is governed by the Public Shade Tree law, MGL c. 87

Arlington Master Plan, page iii, Town Goals, Article 4 “The Environment”: “... Recognizing the fragility of our natural resources, we must ensure that Arlington’s residential areas, commercial centers, and infrastructure are developed in harmony with environmental concerns.....” [emphasis added].

Arlington Master Plan, page 29, Section 3, Land Use - sidebar Master Plan goals for land use: “Encourage development that enhances the quality of Arlington’s natural resources and built environment.”

Arlington Master Plan, page 131, Section 8, Natural Resources and Open Space - sidebar Master Plan goals for natural resources & open space: “Ensure that Arlington’s neighborhoods, commercial areas, and infrastructure are developed in harmony with natural resource concerns.” [emphasis added] and “Value, protect, and enhance the physical beauty and natural resources of Arlington.”

Arlington Master Plan, page 188, Implementation Program: Summary, #42: “Study methods of regulating the removal of mature trees on private property; research and consider methods used in other communities.

Arlington Master Plan, page 188, Implementation Program: Summary, #43: “Consider establishing Neighborhood Conservation Districts with design review standards for architecture, mature trees and landscaping, open space, walkways, and other features.”

In closing, the Tree Committee appreciates that the Master Plan supports regulating removal of trees on private property, but the urgency of the need for regulation is not highlighted (it states a “mid-term” goal, and is about “studying” and “considering” regulations). On the contrary, the Tree committee, echoing the concerns of residents, feels the need for regulation is immediate and urgent and should be a top priority for the town. We hope the Board of Selectmen will agree and work with us to protect our beautiful, leafy Arlington neighborhoods by having an appropriate tree bylaw passed at the fall 2015 special Town Meeting or, at the latest, the 2016 annual town meeting.

See next page for reasons why trees are critical to the quality of life in Arlington.

Why should the Town protect Arlington's trees?

Mature trees are key to the livability of the Town of Arlington. They:

Have aesthetic appeal

Contribute to the distinct character of neighborhoods

Improve air quality

Provide glare and heat protection

Reduce noise

Aid in the stabilization of soil

Provide natural flood and climate control

Create habitats for wildlife

Enhance property values

Provide natural privacy to neighbors.

COMPARISON OF TREE BY LAWS BY TOWN

Prepared by Larry Englisner for Arlington Tree Committee
rev. June 9, 2015. Edited 8/11/2015 MEA

TOPIC	ARLINGTON	LEXINGTON	WINCHESTER	SOMERVILLE	CAMBRIDGE	BELMONT	BROOKLINE	NEWTON	WESTON	WELLESLEY	NORTH ANDOVER
TREE BYLAW OR REGULATION	NO	YES	YES. (Article 4)	YES. (Article VI Sect. 12.)	YES (Chapter 8.66 Tree Protection of the Cambridge Municipal Code)	YES	YES For Large Special Projects on Private Land (through Design Review).	YES	YES	YES	Part of Wetland Protection Bylaw
DATE ADOPTED		2001	2013	2009	2004 (amended)	~ 2005	Ordinance for private land was considered in 2005 or 2006. Decided not to have a separate bylaw but some protection was incorporated in Zoning ByLaw for Special Projects Only.	Updated 2014	Voted in May 2015	2011	
PROTECTS PRIVATE LOT TREES	NO	YES (only within setbacks) Applies to trees removed 12 months prior.	NO (was discussed but too much opposition)	NO. Draft Sample Ordinance for Tree Preservation Recommended was in Urban Forest Management Plan; But Mayor was not supportive, and never pursued. NEVERTHELESS: 1) Site Design Review Che	YES (requires tree study, including tree survey, tree protection plan, mitigation plan including replacement trees or funding) BUT It may be limited to projects requiring special permits	NO. 2011 Proposal by SUSTAINABLE BELMONT was dropped.	YES. (Have tree protection in Zoning Bylaws in Section 5.09 Design Review for Large Special Projects. Zoning ByLaw states "Preservation of Trees and Landscape Trees and other landscape features shall be preserved in a natural state, insofar as practicable)	YES (Removal requires tree permit and tree plan)	YES Article limits clear cutting of lots, ALSO has a demolition delay by law. AND Existing Design/Siting/Planning Guidelines for Homes Built Under RGFA (Large Houses) and Scenic Road Provisions of the Zoning By-Law required	YES, in setback tree yards, if construction on either vacant lot, requires demolition of a 250+ sq. ft. structure, involves constructing a retaining wall of 4+ feet height or increases existing structure footprint by 50%+.	NO except in wetland/stream areas
GENERAL OR ZONING	N/A	General			General		Zoning	General	General	Zoning	
HAS PENALTIES FOR VIOLATION	NO	Requires replacement trees at half caliper or funds into Selectmen's Tree Gift Account	YES up to \$500	Recommended in Draft Ordinances	YES (Replacement or at least \$5000 into fund)	YES But only \$20. (may be related to state statutes; mass tree wardens assn trying to update state statutes)		YES (Replacement in kind or funds into Tree Fund)	YES	YES (case reported in 2014; fine of over \$5000)	
ENFORCEMENT BODY		Tree Warden (in DPW)	Tree Warden (DPW Director)	Tree Warden (City Arborist)	Tree Warden (City Arborist and DPW Commissioner)	Tree Warden (City Arborist and DPW Commissioner)	Tree Warden (City Arborist and DPW Commissioner)	Tree Warden (Urban Forestry Division)		Building Dept.	Conservation Commission
CONTACT INFO		Christopher Filadoro, Public Grounds Supt., DPW 781-274-8300 cfiladoro@lexingtonma.gov	Brian Szekely (called), Town Planner, 781-721-7162; James Gill, Tree Warden and DPW Director 781-721-7100; both on Tree Committee	Rachel Kelly, Green Infrastructure Planner, 617-625-6600 x2516 (called); Brad Arndt (former) Urban Forest Initiative (617) 455-1127 barndt@somervillema.gov (called); George Proakis, Director of Planning,	David Lefcourt City Arborist dlefcourt@cambridgema.gov 617-349-6433 called; Owen O'Riordan, COMMISSIONER, 617-349-4800	Tom Walsh Tree Warden DPW Highway Dept 617-484-4114 (called)	Tom Brady Tree Warden, tbrady@brooklinema.gov (sent email, called) 617-879-5650 DPW 617-201-5514 cell; Hugh Mattison Tree Planting Committee hmattison@aol.com 617-232-6083 (called);	Director of Urban Forestry Marc R. Welch, (617)796-1530, urbanforestry@newtonma.gov	Thomas Cullen, Jr. Tree Warden, DPW, 781-786-5105 No call made, cullen.t@westonmass.org	Michael T. Quinn Assistant Superintendent Parks and Highways/ Deputy Tree Warden 781-235-7600 x3320; Michael Zehner AICP, Planning Director, 781-431-1019 X2234	Jennifer Hughes, Conservation Administrator, North Andover 978-688-9530
HAVE COPY OF BYLAW	NA	YES (and Tree Manual)	YES	YES (Current ByLaw; Draft Plan and Draft Ordinances)	YES	YES	YES (Zoning ByLaws Sec. 5.09)	YES (and Tree Manual)	YES	YES (Zoning Bylaw Sec.XVIE)	Have Tree Removal Procedure

- 27 Oldham Road – 2007



- 27 Oldham Road – 2015



- 15 Lakeview Street/Spring Valley Street – View of Hill: Prior to Construction



- 15 Lakeview Street/Spring Valley Street – View of Hillside During Construction - approx.. 40 stumps



- 8 Oldham Road – 2007



- 8 Oldham Road – 2015



Effective July 1, 2011

SECTION XVIIE TREE PROTECTION & PRESERVATION

A. TITLE.

Section XVIIE may be cited as the “Town of Wellesley Tree Bylaw” and/or “Tree Bylaw”.

B. INTENT AND PURPOSE.

The intent of Section XVIIE is to encourage the preservation and protection of sizeable trees on portions of private property during significant demolition and/or development activity.

Trees are recognized for their abilities to improve air quality, protect from glare and heat, reduce noise, aid in the stabilization of soil, provide natural flood and drainage control, create habitats for wildlife, enhance aesthetics and property values, contribute to the distinct character of certain neighborhoods, and provide natural privacy to neighbors. Therefore, the Town deems that the preservation and protection of certain trees on private property, the requirement to replant trees to replace those removed, and the collection of financial contributions to support the Town’s tree planting and maintenance efforts are public purposes that protect the public health, welfare, environment and aesthetics.

C. DEFINITIONS.

For the purposes of Section XVIIE, the following definitions shall apply.

Caliper - Diameter of a tree trunk (in inches). For trees up to and including four (4) inches in diameter, the caliper is measured six (6) inches above the existing grade at the base of the tree. For trees larger than four (4) inches in diameter, the caliper is measured twelve (12) inches above the existing grade at the base of the tree.

Certified Arborist – A professional arborist possessing current certification issued by the International Society of Arboriculture (I.S.A.) and/or the Massachusetts Arborist Association (M.A.A.).

Critical Root Zone (CRZ) - The minimum area beneath the canopy of a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ is represented by a concentric circle centering on the tree's trunk and extending outward towards the tree's drip-line. The minimum area of the CRZ shall be dependent on the required minimum radius of the CRZ; the required minimum radius of the CRZ shall be determined by multiplying a tree's DBH (in inches) by eighteen (18) inches, with the resulting product constituting the minimum radius of the CRZ. EXAMPLE: A tree with a

DBH of twenty (20) inches shall have a CRZ with a minimum radius of 360 inches or 30 feet (20" x 18" = 360" or 30').

Diameter at Breast Height (DBH) - The standard measure of tree size for those trees existing on a site that are at least four (4) inches in diameter at a height of four and one-half (4.5) feet above the existing grade at the base of the tree. If a tree splits into multiple trunks below four and one-half (4.5) feet above the existing grade, the DBH shall be considered to be the measurement taken at the narrowest point beneath the split.

Drip-Line - The area surrounding the tree from the trunk to the outermost branches. This area is distinguished from, and not to be confused with Critical Root Zone.

Overstory Tree - A tree that will generally reach a mature height of greater than forty (40) feet.

Protected Tree - Any existing tree or tree that was removed within twelve (12) months prior to application for an applicable demolition or building permit, with a DBH of ten (10) inches or greater, located in a Tree Yard of a property zoned Single Residence District or General Residence District, or located anywhere on property zoned other than Single Residence District or General Residence District. Any tree with a DBH of ten (10) inches or greater with portions of the stem of the tree actively growing into a Tree Yard between a height of six (6) inches and four and one-half (4.5) feet above grade shall be considered a Protected Tree.

Tree - Any self-supporting, woody perennial plant usually having a single trunk with a diameter of three (3) inches or more which normally attains a mature height of six (6) feet or greater.

Tree Bank - An account established for the deposit of contributions in lieu of tree replanting as required by Section XVIIE. Funds deposited in this account shall be used solely for the purpose of buying, planting and maintaining trees in the Town.

Tree Protection & Mitigation Plan - A plan submitted to the Building Department for review prior to the commencement of demolition and/or construction on a property on which a Protected Tree is located. This plan may be either part of a landscape plan and/or a separate plan.

Tree Removal - Any act that causes a tree to die or will cause a tree to die within a three (3) year period as determined by the Department of Public Works - Park & Tree Division based on arboricultural practices recommended by the International Society of Arboriculture (I.S.A.).

Tree Save Area - The area surrounding a tree which includes at a minimum the Critical Root Zone ("CRZ") and Drip-Line of all Protected Trees, unless otherwise authorized herein. The Tree Save Area must be enclosed within a fence and remain undisturbed so as to prevent damage to the tree.

Tree Yard - The area of a parcel zoned Single Residence District or General Residence District located adjacent to all front, side, and rear lines of a lot; Tree Yards shall have a minimum depth as specified in the table entitled "Location of Protected Trees on Property Zoned Single Residence District or General Residence District", contained in subsection F.1. of Section XVIIE. Trees having a DBH of ten (10) inches or greater and located within a Tree Yard shall be considered to be Protected Trees.

D. APPLICABILITY.

1. Applicability: The requirements of Section XVIIE shall apply under any of the following circumstances:
 - a. Proposed demolition of an existing structure with a footprint of 250 square feet or greater;
 - b. Construction of retaining walls subject to the requirements of Section XXIID., Retaining Walls;
 - c. Construction of any building or structure on a vacant lot; or
 - d. Construction of one or more structures or additions to structures on a lot, where the total area of the footprint of the new structures will result in an increase of 50% or more of the total footprint of the pre-existing structure(s).
2. Non-applicability: The requirements of Section XVIIE shall not apply to:
 - a. The subdivision of land under the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land In Wellesley Massachusetts, wherein the Planning Board regulates the planting, retention and/or replacement of trees, by means of the Board's authority over the subdivision of land;
 - b. Construction subject to Large House Review, wherein the Planning Board regulates the planting, retention and/or replacement of trees located on private residential land;
 - c. Those areas of property under the jurisdiction of the Wetlands Protection Act (Chapter 131 and 310 CMR), wherein the Wetlands Protection Committee regulates the retention and/or replacement of trees located on

private land. Protected trees located outside areas under the jurisdiction of the Wetlands Protection Committee shall be subject to Section XVIIE;

- d. Town-owned public trees, including trees that are considered to be Public Shade Trees pursuant to M.G.L. Chapter 87, which are protected by the Natural Resources Commission acting as the Town's Tree Warden.
 - e. Emergency projects necessary for public safety, health and welfare as determined by the Inspector of Buildings;
 - f. Trees that are hazardous as determined and confirmed in writing by a Certified Arborist; and
 - g. Trees subject to an immediate and/or probable risk of disease or insect infestation, as determined and confirmed in writing by a Certified Arborist.
3. Existing Encroachments: For the purposes of interpreting, administering, and enforcing Section XVIIE and Section XVII, Pre-Existing Non-Conforming Uses, Structures and Lots, an existing structure shall not be considered to be a nonconforming structure solely because the structure, or a portion of the structure, is located within the CRZ and/or Drip-Line of an existing Protected Tree. The reconstruction of demolished structures or portions of structures within the previously encroached area of the CRZ and/or Drip-Line shall be prohibited, except when consistent with the requirements of Section XVIIE.

E. TOWN OF WELLESLEY TREE BANK.

There is hereby established a Town of Wellesley Tree Bank ("Tree Bank") which shall be held by the Town Treasurer in an account administered by the Department of Public Works - Park & Tree Division in accordance with applicable provisions of the General Laws. Any contributions collected per subsection F.2.b.ii. of Section XVIIE shall be deposited in said Tree Bank, and shall be used solely for the purpose of buying, planting and maintaining trees in the Town.

F. PROTECTED TREES.

1. Scope: Existing trees or trees that were removed within twelve (12) months prior to application for an applicable demolition or building permit with a DBH of 10" or greater and located within the minimum Tree Yard of a property zoned Single Residence District or General Residence District as identified in the following table, shall be considered to be Protected Trees.

Existing trees or trees that were removed within twelve (12) months prior to application for an applicable demolition or building permit with a DBH of 10" or greater and located anywhere on property zoned other than Single Residence

District or General Residence District, shall be considered to be Protected Trees.

Demolition and/or construction activity (as identified under subsection D.1. of Section XVIIE) on a property on which a Protected Tree is located is prohibited unless authorized by the Inspector of Buildings as set forth in this subsection.

Location of Protected Trees on Property Zoned Single Residence District or General Residence District			
Zoning District	Minimum Tree Yard (feet)		
	Front	Side	Rear
SRD 10	20	10	10
SRD 15	20	20	20
SRD 20	20	20	20
SRD 30	40	30	30
SRD 40	40	40	40
General Residence District	20	10	10

2. Tree Protection & Mitigation:

- a. Protection: Each Protected Tree to be retained on property planned for demolition and/or construction activity shall be protected by the establishment of a Tree Save Area. The Tree Save Area shall be delineated within the submitted Tree Protection & Mitigation Plan, shall be installed prior to the issuance of applicable permits, and shall remain in place until work is completed on the property. The applicant shall submit written documentation, prepared, stamped, dated and signed by a Certified Arborist, to the Building Department confirming that the required Tree Save Area identified in the Tree Protection & Mitigation Plan has been installed.

An applicant may choose to encroach within the CRZ and/or Drip-Line of a Protected Tree; however, such proposed action shall require the applicant to submit a maintenance plan for the tree, to be prepared, stamped, dated and signed by a Certified Arborist as part of the Tree Protection & Mitigation Plan. Under these instances, the Tree Save Area may be reduced to protect only those areas of the CRZ and/or Drip-Line not proposed for encroachment.

- b. Mitigation: The removal of a Protected Tree from a property in connection with one or more of the circumstances set forth in subsection D.1. shall require mitigation by satisfying one of the following provisions (i. *Replanting of Trees* or ii. *Contribution to the Town of Wellesley Tree Bank*). Mitigation measures shall be identified in the submitted Tree Protection and Mitigation Plan. The removal or proposed removal of a Protected Tree(s) that has been mitigated for, in conjunction with a previous applicable permit, shall not require additional mitigation under subsequent permits, unless such mitigation has not been completed or otherwise assured.
 - i. *Replanting of Trees*: For each inch of DBH of the tree(s) removed no less than one-half (0.5) inch of caliper of new tree(s) shall be replanted in accordance with the following:
 - 1. Each new tree must have a minimum caliper of two (2) inches;
 - 2. Such replanting, either on the applicant's land or on land abutting the applicant's land with the express written approval of the owner of such abutting land, shall occur prior to Final Inspection, or be otherwise assured at such time to the satisfaction of the Town in a manner consistent with the Rules and Regulations;
 - 3. If the Protected Tree to be removed is an Overstory Tree species, the replacement tree(s) to mitigate the removal shall be an Overstory Tree species; and
 - 4. Invasive tree species, as determined by the Department of Public Works - Park & Tree Division, shall not be replanted to mitigate the removal of a Protected Tree.
 - ii. *Contribution to the Town of Wellesley Tree Bank*: The Board of Selectmen shall establish a Tree Bank contribution schedule, such schedule to be based on the DBH of Protected Tree(s) to be removed. The schedule may take into account the aggregate DBH of Protected Trees to be removed. The applicant shall make such contribution to the Tree Bank for the removal of a Protected Tree not already mitigated for per subsection F.2.b.i.; contributions shall be received by the Building Department prior to the issuance of all applicable permits.

3. Plan Review and Permit Issuance:

- a. Tree Protection & Mitigation Plan Submittal: Prior to the issuance of a permit in connection with one or more of the circumstances set forth in subsection D.1. on property on which a Protected Tree is located or was located within twelve (12) months prior to application, the owner of the

property shall submit a Tree Protection & Mitigation Plan to the Building Department along with the applicable application.

If a permit requiring the submittal of a Tree Protection & Mitigation Plan was issued for a property within twelve (12) months prior to application for one or more of the circumstances set forth in subsection D.1., the submittal of a Tree Protection & Mitigation Plan shall not be required for subsequent permits unless any information required under subsection F.3.b. is changed or altered.

- b. Tree Protection & Mitigation Plan Requirements: The submitted Tree Protection & Mitigation Plan shall be a to-scale survey or site plan, along with any accompanying documentation, containing information prepared, stamped, dated and signed by an individual(s) appropriately licensed and authorized by the State of Massachusetts to attest to and certify such information, unless a specific certification is referenced herein. The plan shall include, but not be limited to, the following information:
 - i. Boundaries of the subject property, including all property lines, easements, and right-of-ways of public and private ways;
 - ii. The location of all existing buildings, driveways, retaining walls and other improvements, with an indication of those features to be retained or removed/demolished;
 - iii. The location of all planned buildings, driveways, retaining walls and other improvements;
 - iv. The location, height, DBH, and species of all existing Protected Trees and all Protected Trees that were removed within twelve (12) months prior to application for an applicable demolition or building permit, with an indication of those Protected Trees to be removed and those to be retained, if applicable;
 - v. The CRZ, drip-line and location of the Tree Save Area shall be shown for all Protected Trees to be retained;
 - vi. The location, caliper, species, and planting schedule of trees to be replanted to mitigate the removal of a Protected Tree(s), if applicable;
 - vii. A maintenance plan prepared, stamped, dated and signed by a Certified Arborist for all Protected Trees which are proposed to have encroachment within the CRZ and/or drip-line, if applicable;
 - viii. The amount to be contributed to the Tree Bank to mitigate the removal of a Protected Tree(s), if applicable; and

- ix. Such other information as is required by the Inspector of Buildings pursuant to applicable regulations.
 - c. Tree Bank Contribution: In lieu of replanting, if applicable, the owner of the property shall submit any required contribution to the Tree Bank as mitigation for the removal of a protected tree.
 - d. Building Department Action: If the Tree Protection & Mitigation Plan is consistent with the protection and mitigation requirements contained herein and any established rules, regulations or manuals, and any applicable Tree Bank contribution has been submitted, the Building Department may issue any applicable permit. If the proposal does not meet or satisfy these requirements, the Building Department shall deny all applicable permit applications and so notify the applicant.
4. Maintenance of Protected and Replanted Trees:
- a. Protected Trees: Each Protected Tree retained shall be maintained in good health for a period of no less than twenty-four (24) months from the date of Final Inspection, or issuance of a Certificate of Occupancy if applicable. Should such tree die within this twenty-four (24) month period, the owner of the property shall be required to provide mitigation consistent with the requirements for the removal of a Protected Tree as contained herein within nine (9) months from the death of the original tree.
 - b. Replanted Trees: All new trees replanted to mitigate the removal of Protected Tree(s) shall be maintained in good health for a period of no less than twenty-four (24) months from the date of planting. Should such tree die within this twenty-four (24) month period, the owner of the property shall be responsible for replacing the tree with a tree equal to or greater than the size of the original replacement tree at the time of planting; such tree shall be planted within nine (9) months of the death of the original replacement tree.

G. RULES AND REGULATIONS.

The Planning Board may promulgate or amend Rules and Regulations which pertain to the administration of Section XVIIE, and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and specifications, the procedure for the submission and approval of such plans, the procedure for determining final compliance with these regulations, and the criteria and procedure regarding the Planning Board's acceptance of sureties (i.e., bonds, letters of credit, etc.) intended to satisfy the requirements of subsection F., 2., b., i. of Section XVIIE, so long as the Rules and Regulations conform to Section XVIIE of the Zoning Bylaw.

The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

Approved:

Date

Moderator's Signature

Sponsor's Signature

Weston MA tree bylaw

Passed with 2/3 vote at May, 2015 Town Meeting

ZONING BY-LAW ARTICLES

ARTICLE 22: AMEND ZONING BY-LAW – SECTION VI.A. – CLARIFY/LIMIT LOT CLEARING

To amend Section VI. DIMENSIONAL AND OTHER REQUIREMENTS, A. GENERAL, of the Zoning By-law of the Town of Weston by adding the following proposed subsection:

"5. No site alteration work which requires or will require a storm water permit or any zoning or other land development permit or approval shall be performed on any property until such permit or approval is obtained, including any one of the following:

- a. Approval by the Planning Board of a site plan where such approval is or will be required under the provisions of this Zoning By-law
- b. Issuance of a permit by the Storm Water Permitting Authority where such permit is required by the Storm Water By-law, Article XXVII of the By-laws of the Town of Weston.
- c. Issuance of a permit for building, demolition, or any other permit required by the Massachusetts Building Code or this Zoning By-law.

Site alteration work can be performed and is permitted once any of the above permits or approvals has been obtained by the property owner or if any of the following exceptions apply:

Exceptions:

- 1. Site alteration work or clearing which does not require a storm water permit, or site plan approval by the Planning Board, or any building permits.
- 2. Soil testing.
- 3. Routine landscape maintenance including thinning of forest, trees and vegetation.
- 4. Removal of nuisance or invasive species vegetation such as bittersweet, poison ivy, etc.
- 5. Removal of any 'prohibited plantings' as identified by the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, Department of Agricultural Resources.
- 6. Removal of trees or limbs which pose a threat of property damage or threat to public safety.
- 7. Removal of any dead or dying trees or vegetation.

8. Any utility work both underground and overhead, including work done in maintaining, testing, inspecting or repairing existing underground services, utilities, septic systems and other structures.

9. Any work to provide access onto a property for any existing by-right use of the property.

10. Any work done on recorded easements, the purpose of which is limited to vehicular access, pedestrian access, utility service, or viewscape maintenance, provided that previous vegetation clearing in such easements has occurred within the preceding five years, and that the proposed work shall be limited to that essential for the purpose intended.

11. Properties in Chapter 61 status such as agricultural or forestry.

12. Work done in conjunction with construction, alteration or repair of a septic system pursuant to a septic permit from the Board of Health.

13. Removal of or planting of trees or vegetation which dangerously obstructs the view of traffic by operators of vehicles at street or driveway curves or intersections or otherwise constitutes a hazard to public safety.

If any provision of this section is violated by a property owner, then no building permit may be issued for any new or replacement dwelling for up to 9 months following the violation. All other fines or remedies to which the Town is entitled may also be imposed at the Town's discretion."

Or take any other action relative thereto.

Article 22 Explanation: The purpose of this article is to advise permit applicants of the town's preference for preserving mature trees when possible as a reflection of the town's rural character, and of the potential regulatory consequences of indiscriminate clear cutting. A two-thirds vote of Town Meeting is required for approval of this article.

LEXINGTON MA TREE BYLAW

CODE OF THE TOWN OF LEXINGTON, MASSACHUSETTS, v5 Updated 10-5-2004

PART I GENERAL BYLAWS

Chapter 120, TREES

[HISTORY: Adopted by the Annual Town Meeting of the Town of Lexington 4-11-2001 by Art. 34. Amendments noted where applicable.]

120-1. Findings.

The Town of Lexington finds that mature trees have aesthetic appeal, contribute to the distinct character of certain neighborhoods, improve air quality, provide glare and heat protection, reduce noise, aid in the stabilization of soil, provide natural flood- and climate-control, create habitats for wildlife, enhance property values and provide natural privacy to neighbors.

120-2. Intent and purpose.

This by-law is enacted for the purpose of preserving and protecting both public shade trees pursuant to General Law Chapter 87 and certain trees on portions of private property. To achieve these purposes, this by-law establishes a Tree Committee and empowers the Committee, in conjunction with the Tree Warden, to regulate the removal and replacement of trees in certain circumstances, and to promote the planting and protection of trees throughout the Town. It is desirable that the Town plant more trees than are removed to compensate for tree losses and the length of time to maturity. The provisions of this by-law, when pertaining to private property, apply only when there is major construction or demolition as defined below and only within setback areas.

120-3. Definitions.

A. When used in this by-law, the following definitions shall apply:

CALIPER -- Diameter of a tree trunk (in inches) measured six inches above the ground for trees up to and including four-inch diameter, and 12 inches above the ground for larger trees.

DBH ("Diameter at Breast Height") -- The diameter (in inches) of the trunk of a tree (or, for multiple trunk trees, the aggregate diameters of the multiple trunks) measured 4 1/2 feet from the existing grade at the base of the tree.

DEMOLITION -- Any act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

MAJOR CONSTRUCTION -- Any construction of a structure on a vacant lot, or any construction of one or multiple structures or additions to structures on an existing lot, wherein there would result an increase of 50% or more in the total footprint of the new structure(s), when compared to the total footprint of the pre-existing structure(s).

PERSON -- Any person, firm, partnership, association, corporation, company or organization of any kind including public or private utility and municipal department.

PROTECTED TREE -- Any tree on private land, with a DBH of eight inches or greater (or any multiple trunk tree with a DBH of 15 inches or greater), located in the setback area (or which, as determined by the Tree Warden, has any portion of the stem between six inches and 4 1/2 feet above grade actively growing into the setback area), provided that tree is not hazardous or undesirable as defined in the Tree Manual.

PUBLIC SHADE TREE -- Any tree within the public right-of-way except for state highways that, as determined by the Tree Warden, has any portion of the stem between six inches and 4 1/2 feet above grade actively growing into the public right-of-way.

SETBACK AREA -- The portion of the lot which constitutes the minimum side, rear and front yard as per Table 2 ("Schedule of Dimensional Controls") or 135-38A of the Zoning By-Law of the Town of Lexington. For purposes of establishing the setback area in which the provisions of this by-law shall apply, the measurement shall be from any point on any property line of the lot, to points along an imaginary line drawn representing the minimum setback requirement.

TOWN TREE -- Any tree within a public park or open space under the jurisdiction of the Selectmen acting as park commissioners, on public school grounds, or on any other Town-owned land.

TREE REMOVAL -- Any act that will cause a tree to die within a three-year period.

B.The Tree Committee may provide other such definitions or terms in rules and

regulations, approved by the Selectmen, deemed useful to implement this by-law.

120-4. Applicability.

A.Applicability. The circumstances under which the tree protection, removal and replacement regulatory process delineated in this by-law shall apply are as follows:

(1)Proposed cutting (trunk, limbs or roots) of existing public shade trees on public and private ways (accepted or unaccepted streets) or of Town trees on Town-owned (or leased land being used as a public facility) by any person.

(2)Proposed demolition of an existing residential or nonresidential structure.

(3)Proposed major construction on an existing residential or nonresidential lot.

B.Non-applicability. This by-law shall not apply in any instance where the Planning Board, the Zoning Board of Appeals or the Conservation Commission has established jurisdiction, including but not limited to the following:

(1)The Planning Board regulates the planting, retention and/or replacement of public shade trees, by means of the Board's authority over subdivision of land and/or the administration of unaccepted streets under Chapter 175, Parts 1 - 3 (formerly Chapter 5), of the Planning Board's Development Regulations;

(2)The Planning Board regulates planting, retention and/or replacement of on-lot trees on private residential land, where said property is subject to a special permit under the Zoning By-Law, or issues recommendations emanating from a preliminary site development and use plan review;

(3)The Zoning Board of Appeals regulates planting, retention and/or replacement of onlot trees on private nonresidential land, where said property is subject to a special permit under the Zoning By-Law;

(4)The Conservation Commission regulates the retention and/or replacement of on-lot trees, by means of administering the Wetlands Protection Act (Chapter 131 and 310 CMR) within jurisdictional areas of the property.

120-5. Tree Warden.

The Public Grounds Superintendent within the Department of Public Works shall serve as the Tree Warden unless another designee is appointed by the Selectmen.

A.The duties or responsibilities of the Tree Warden shall conform to General Law Chapter 87 and shall include, but not be limited to, the following as may be further

specified in this by-law:

- (1) Management of all trees within public rights-of-way and adjacent to public buildings and commons; care and control of trees on Town property if so requested by the Selectmen, and on Town land owned by other departments such as Schools, Recreation and Conservation, if so requested by the respective department and approved by the Selectmen;
- (2) Expending funds, in coordination with the Tree Committee, appropriated for planting trees on Town land under the jurisdiction of the Tree Warden;
- (3) With recommendations from the Tree Committee, granting or denying and attaching reasonable conditions to all permits required under this by-law;
- (4) Work in conjunction with the Tree Committee to seek grants or other assistance concerning the preservation and maintenance of trees in Town;
- (5) Development of rules, regulations, tree inventory, manuals and other data, in conjunction with the Tree Committee, to carry out the purposes and intent of this by-law for approval and promulgation by the Selectmen;
- (6) Enforcement of this by-law;
- (7) Appointment or removal of Deputy Tree Wardens.

B. Moreover, the Selectmen may authorize the Tree Warden to undertake other responsibilities consistent with the purposes and intent of this by-law.

120-6. Tree Committee.

A. The Town shall have a Tree Committee that consists of seven members as appointed by the Selectmen. For the first appointments, three members will serve one-year terms; two members will serve two-year terms; and two members shall serve three-year terms. All members up for renewal will then serve three-year terms.

B. The Tree Committee shall have the following duties and responsibilities as may be further specified in this by-law:

- (1) Development of rules, regulations, tree inventory, manuals and other data, in conjunction with the Tree Warden, to carry out the purposes and intent of this by-law, for approval and promulgation by the Selectmen;
- (2) Permit the removal of certain trees on private property upon appeal, by an applicant;
- (3) Public education and coordination with other Town Committees and civic groups to

promote the purposes and intent of this by-law;

(4) Work in conjunction with the Tree Warden to seek grants or other assistance concerning the preservation and maintenance of trees in Town.

120-7. Public shade trees and town trees.

A.Scope. A public shade tree or Town tree may not be cut, pruned, removed or damaged by any person or the Town until and unless the Tree Warden issues a written permit pursuant to this section.

B.Procedures. Any person seeking to prune or remove a public shade tree or Town tree shall submit an application to the Tree Warden in accordance with any application requirements issued by the Tree Warden. The Tree Warden shall hold a public hearing on applications for removal, at the expense of the applicant, in accordance with the provisions outlined within General Law Chapter 87. The permit issued by the Tree Warden may specify schedules, terms, and conditions, including requiring the planting of replacement trees.

C.Planting of trees on Public Land. Any person seeking to plant a tree on public land under the jurisdiction of the Tree Warden must obtain written permission from the Tree Warden. Such permission may specify schedules, terms, and conditions as deemed appropriate by the Tree Warden.

120-8. Protected trees.

A.Scope. The removal of protected trees in conjunction with demolition or major construction is prohibited unless authorized by the Tree Warden, or Tree Committee as set forth below.

B.Procedures. When major construction or demolition is planned, the owner of the property shall submit to the Building Commissioner as part of the application for a building or demolition permit a site plan drawn and stamped by a registered land surveyor showing all existing trees on the property of eight-inch DBH or greater.

(1) If any protected trees will be removed or damaged in connection with major construction or demolition, the owner of the property shall submit a proposal for tree removal and mitigation to the Building Commissioner with the application for a building or demolition permit. Additionally, if any protected trees were removed during the 12 months preceding the application for the building or demolition permit, a tree removal

and mitigation proposal regarding the protected trees already removed shall be submitted to the Building Commissioner. The proposal shall satisfy the mitigation requirements set forth below and any rules, regulations or manuals promulgated by the Selectmen. The Selectmen shall set an application fee.

(2)The Building Commissioner shall refer the tree proposal to the Tree Warden. The Tree Warden shall conduct a site visit. If the applicant's proposal is consistent with the mitigation requirements herein and the rules, regulations or manuals issued by the Selectmen, the Tree Warden will issue a permit within 10 business days of receipt by the Tree Warden of the proposal to authorize the tree work. If the proposal does not meet or satisfy these requirements, the Tree Warden shall so notify the applicant and deny the permit.

(3)An applicant may appeal the denial or grant of a tree permit to the Tree Committee. The Tree Committee shall conduct a public hearing on the appeal and shall give the public notice thereof, at the expense of the applicant. Public notice shall include all persons owning land within 300 feet of any part of applicant's land at least 14 days before said hearing. The Tree Committee shall rule within 20 days of the public hearing.

(4)Appeals of final decisions of the Tree Committee shall be to Superior Court and shall be limited to whether the decision was arbitrary or capricious.

C.Mitigation. A protected tree shall not be removed unless at least one of the following provisions is satisfied:

(1)Replanting of trees: such replanting shall be on the basis of 1/2 inch of caliper of new tree(s) for each inch of DBH of tree(s) removed, and each replanted tree must have a minimum caliper of three inches. The replanting shall occur no later than 12 months after completion of the construction work, either on applicant's land or on land abutting applicant's land with express approval of the owner of such abutting land;

2)Contribution into the Selectmen's Tree Gift Account: such contribution shall be \$50 per DBH inch of protected tree or Town tree removed not already mitigated as per Subsection C(1); or [Amended 3-31-2004 ATM by Art. 34]

(3)The applicant demonstrates that the removal of a protected tree is desirable to enhance the landscaping on the lot, and that such removal does not negatively impact in an excessive manner on the character of the neighborhood or on the privacy enjoyed by

abutters.

120-9. Emergencies and exemptions.

Provisions of this by-law shall not apply to:

- A. Emergency projects necessary for public safety, health and welfare as determined by the Director of Public Works or the Town Manager;
- B. Trees that are hazardous as determined in writing by the Tree Warden;
- C. Invasive tree species as identified in the Tree Manual;
- D. Trees identified by the Commonwealth that pose a risk of disease or insect infestation.

120-10. Enforcement.

A. Any person violating this by-law is subject to the penalties under Chapter 1, 1-6 of the General By-Laws, General Law Chapter 87 (for violations concerning public shade trees) and other legal enforcement action by the Town. The Tree Warden is authorized to enforce the provisions of Chapter 1 of the General By-Laws and of General Law Chapter 87. Any other legal enforcement action shall be determined by the Selectmen in consultation with the Tree Committee, the Tree Warden and Town Counsel.

B. Each instance in which a Town tree or a protected tree is removed without a tree permit shall constitute an offense under this by-law. When Town trees or protected trees have been removed without a permit, mitigation (as outlined in 120-8C of this by-law) and the payment of fines (as outlined in the Fine Schedule at the end of this by-law EN) shall be required. [Amended 3-31-2004 ATM by Art. 34]

C. If mitigation and the payment of fines are completed in due time as determined by the Tree Warden, the project will be approved. If not completed, then each day beyond the determined and agreed upon completion date shall constitute a new and separate offense. [Amended 3-31-2004 ATM by Art. 34]

120-11. Rules and regulations.

The Selectmen may promulgate, after public notice and hearing, rules and regulations to effectuate the purposes and intent of this by-law. Failure by the Selectmen to promulgate such rules and regulations shall not act to suspend or invalidate the effect of this by-law.

120-12. Severability.

If any section, paragraph or part of this by-law is for any reason declared invalid or

unconstitutional by any court, every other section, paragraph and part shall continue in full force.

120-13. Relationship to other laws.

Nothing in this by-law shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing Town of Lexington by-laws or Commonwealth of Massachusetts laws.

120-14. Funds. [Added 3-31-2004 ATM by Art. 34]

Collection of voluntary contributions under this by-law shall be deposited into the Selectmen's Tree Gift Account. The Tree Warden, with input from the Tree Committee, will request use of these funds for tree planting, transplanting, and other tree-related needs. The request to expend these funds will be approved by the Board of Selectmen.

SUSAN\DOCUMENTS\ARL TREE BYLAW\Tree bylaw LEXINGTON

CAMBRIDGE MA TREE BYLAW

Chapter 8.66 - TREE PROTECTION

Sections:

8.66.010 - Short Title

This Chapter may be cited as the Tree Protection Ordinance of the City of Cambridge.

(1277, Added, 08/02/2004)

8.66.020 - Statement of Purpose

The City Council hereby finds that the preservation of existing trees and the promotion of new tree planting is a public purpose that protects the public health, welfare, environment and aesthetics of the City of Cambridge and its citizens.

The urban forest serves a wide variety of functions, which promote the health, safety and welfare of residents. These functions include:

- (a) conserving energy, by providing shade and evaporative cooling through transpiration;
- (b) improving local and global air quality by absorbing carbon dioxide and ozone, absorbing particulate matter, and producing oxygen;
- (c) reducing wind speed and directing air flow;
- (d) reducing noise pollution;
- (e) providing habitat for birds, small mammals, and other wildlife;
- (f) reducing storm runoff and the potential for soil erosion;
- (g) increasing real property values; and
- (h) enhancing visual and aesthetic qualities that attract visitors and businesses.

(1277, Added, 08/02/2004)

8.66.030 - Definitions

Building. A structure enclosed within exterior walls or firewalls, built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons,

animals or property.

Certified arborist. An arborist certified by the Massachusetts Arborists' Association or the International Society of Arboriculture, or any successor of either organization.

City Arborist. The City Arborist appointed by the City Manager, or any other Certified Arborist designated by the Commissioner of Public Works and approved by the City Manager to exercise any of the authority granted to the City Arborist pursuant to this Chapter.

DBH (Diameter at Breast Height). The diameter of a tree trunk measured in inches at a height of four (4) feet above the ground.

Lot. A parcel of land in identical ownership throughout, bounded by other lots or streets, which is designated by its owner to be used, developed or built upon as a unit.

Mitigation Plan. A document to be included within any Tree Study submitted for a project where any Significant Trees are proposed to be removed from a lot, stating (i) why any Significant Trees are proposed to be removed from a lot, (ii) a description of the Replacement Trees proposed to replace the Significant Trees to be removed or the value of which is proposed to be paid to the City to be deposited into the Tree Replacement Fund, (iii) an estimate from a local nursery for the cost of purchasing, planting, watering and maintaining said Replacement Trees for a period of not less than five years or the value of which is proposed to be paid to the City to be deposited into the Tree Replacement Fund, and (iv) certification from a Certified Arborist that the proposed Replacement Trees and cost estimates for purchasing, planting, watering and maintaining said Trees are appropriate and reasonable.

Owner. For purposes of this Chapter, an owner shall be defined as set forth in the Zoning Ordinance, Title 17 of the Cambridge Municipal Code.

Replacement Trees. A tree or trees to be planted on a lot to replace any Significant Trees to be removed from the lot, or whose equivalent value is proposed to be paid to the City to be deposited into the Tree Replacement Fund instead of planting Replacement Trees on the lot. The total DBH of Replacement Trees, or equivalent value, as applicable, shall be equal to or exceed the total DBH of the Significant Trees to be removed from the lot.

Significant Trees. Any tree or trees larger than 8" DBH which is on a lot or which has been removed from the lot within one year prior to the submission of a Tree Study to the City Arborist.

Tree Protection Plan. This plan may be either a separate drawing or part of a landscape plan, and shall include the following information:

- a) Drawings of tree protection measures and (i) their location on the lot, including Tree Save Areas, and the location, height and DBH of Significant Trees and an indication of which Significant Trees would remain on the site, or (ii) in the event that any Significant Trees are proposed to be removed, the location of those Significant Trees, and the location, height and DBH of Replacement Trees which are proposed to be planted on the lot if feasible, or (iii) in the event that Replacement Trees are not proposed to be planted on the lot, the total sum, as identified in the Mitigation Plan, to be paid to the City to be deposited into the Tree Replacement

Fund, shall be required to be submitted together with the Tree Protection Plan;

- b) A schedule for planting the proposed Replacement Trees and a representation that such trees will be inspected and, if necessary, treated by a Certified Arborist once a year for five years; and
- c) Such other information as is required by the City Arborist pursuant to applicable regulations.

Tree Save Area. The area surrounding a tree which must remain undisturbed so as to prevent damage to the tree.

Tree Study. The information submitted to the City Arborist, which shall include a Tree Survey, a Tree Protection Plan, and, if applicable, a Mitigation Plan.

Tree Survey. A plan showing the location, type, height and DBH of all trees on a lot.

(1277, Added, 08/02/2004)

8.66.040 - Applicability

This Chapter shall apply to all trees located on lots specified in the following section §8.66.050. This Chapter shall not apply to any project of the Affordable Housing Trust or otherwise for the construction of low and moderate-income housing meeting the standards established pursuant to any City, State or Federal housing program designed to assist low and moderate-income households.

(1277, Added, 08/02/2004)

8.66.050 - Procedure for Large Projects

- a. In any project which requires a special permit under §§ 4.26.1 - 4.26.3, §19.20, §11.12.1, §11.12.2, or §11.12.3 of the Zoning Ordinance, the application for the special permit shall include a Tree Study, which shall first have been submitted to the City Arborist not less than twenty-one (21) days prior to the submission of the application for a special permit. The Tree Study shall be reviewed by the City Arborist, who shall certify that he has reviewed it, indicating whether it is complete and complies with the applicable provisions of this Chapter and regulations promulgated thereunder. The City Arborist shall refer the Tree Study with his certification and recommendations to the Planning Board, to assist the Planning Board in establishing any conditions that may be required as a result of the findings of the Tree Study in connection with the issuance of a special permit.
- b. Regarding any project which includes a building of 25,000 square feet or more and which is subject to the provisions of § 19.50 of the Zoning Ordinance, the materials submitted to the Inspectional Services Department with the application for a building permit shall include a Tree Study, together with a certification from the City Arborist that the applicant has submitted the Tree Study for review to the City Arborist not less than twenty-one (21) days prior to the submission of the application for a building permit, and that the Tree Study is complete and complies with the applicable provisions of this Chapter and regulations promulgated thereunder. The owner of the lot shall be required to commit to comply with all provisions of the Tree Study and the applicable provisions of this Chapter and regulations promulgated hereunder in the application for a building permit.

(1277, Added, 08/02/2004)

8.66.060 - Tree Replacement

If Significant Trees are to be removed from a lot in connection with the development of a project subject to the provisions of this Chapter, upon approval of any project subject to the provisions of §8.66.050(a) of this Chapter by grant of a special permit from the Planning Board, or submission to the Inspectional Services Department of certification from the City Arborist under the provisions of §8.66.050(b) of this Chapter, the owner of the lot shall either plan Replacement Trees on the same lot in accordance with the schedule set forth in the Tree Study, or he shall pay the estimated cost of Replacement Trees and associated costs for the maintenance of said trees pursuant to the Mitigation Plan, if applicable, to the City to be deposited into the Tree Replacement Fund. In addition, the owner of the lot shall, prior to the issuance of a building permit, post and file a bond with the City Clerk in the amount of the total costs set forth in the Mitigation Plan, but in no event less than five thousand dollars (\$5,000.00), with one or more sureties conditioned to the faithful observance of the conditions and specifications of the Tree Protection Plan and, if applicable, the Mitigation Plan.

(1277, Added, 08/02/2004)

8.66.070 - Tree Replacement Fund

There is hereby established a Tree Replacement Fund which shall be held by the City Treasurer in an account and administered in accordance with applicable provisions of the General Laws. Any payments into the Tree Replacement Fund required by §8.66.060 shall be deposited in said Fund, and shall be used solely for the purpose of buying, planting and maintaining trees in the City.

(1277, Added, 08/02/2004)

8.66.080 - Regulations

The Commissioner of Public Works shall have the authority to promulgate regulations to accomplish any of the provisions of this Chapter.

(1277, Added, 08/02/2004)

8.66.090 - Enforcement

- (a) Notice of Violations. Any person who violates any of the provisions of this Chapter shall be notified by the City Arborist of the specific violation by certified or registered mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation and a reasonable time period within which compliance must be had.
- (b) Stop Work Order
 - (1) Upon notice from the City Arborist that work on any lot on which a Significant Tree is located is being performed contrary to any applicable Mitigation Plan or Tree Protection Plan or any provision of this Chapter, such work shall be immediately stopped by the Commissioner of Inspectional Services or his designee. The stop work order shall be in writing, and shall be given to the owner of the lot involved, or to the owner's agent, or to the person doing the work,

and shall state the conditions under which work will be permitted to resume.

- (2) Any person who shall continue any work in or about said lot after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than \$300.00. Each day during which a violation exists shall constitute a separate offense.
- (c) Injunctive Relief. Whenever there exists reasonable cause to believe that a person is violating any applicable Mitigation Plan or Tree Protection Plan or any provision of this Chapter, the City may institute a civil action for a mandatory or prohibiting injunction in a court of competent jurisdiction ordering the defendant to correct the unlawful condition upon or cease the unlawful use of the property.
- (d) Failure to Replace Trees or Make Payment. Each failure to replace a Significant Tree or make a payment into the Tree Replacement Fund or to post and maintain a bond in accordance with §8.66.060 shall constitute a separate violation of this Chapter for which there shall be a fine in the amount of \$300.00. Each day such violation continues shall constitute a separate offense.
- (e) Alternative Penalty. As an alternative to any fine stated in this §8.66.090, citations may be issued pursuant to G.L. c. 40, §21D, assessing a fine of \$300.00 for each day the violation is committed or permitted to continue. The Commissioner of Public Works or his designee, the City Arborist, employees of the Department of Public Works and Police Officers shall be the authorized enforcement personnel.

(1277, Added, 08/02/2004)

8.66.100 - Severability

The provisions of this Chapter are severable. If any section, provision or portion of this Chapter is determined to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall continue to be valid

(1277, Added, 08/02/2004)

8.66.110 - Effective Date

This ordinance shall take effect only upon ordination of the companion zoning amendment and any other zoning amendments necessary to effectuate the provisions of this Tree Ordinance.

(1277, Added, 08/02/2004)

Newton MA tree bylaw

Chapter 21

PARKS AND RECREATION, PUBLIC GROUNDS AND TREES*

Art. I. In General, §§ 21-1—21-45

Art. II. Parks and Recreation Commission, §§ 21-46—21-59

Art. III. Trees, §§ 21-60—21-89

Div. 1 Urban Tree Commission, §§ 21-60—21-71

Div. 2 Regulation of Public Trees, §§ 21-72—21-80

Div. 3 Tree Preservation, §§ 21-81—21-89

ARTICLE III. TREES

DIVISION 3. TREE PRESERVATION

Sec. 21-80 Findings, intent, and purpose.

The board of aldermen has determined that many trees are being lost without replacement incident to demolition of existing buildings in order to construct new buildings and lot clearing in connection with the construction of new buildings on previously undeveloped land. The Board has further determined that trees have been lost, severely damaged or disfigured through excessive or improper pruning or other than natural causes. The result is a net loss of the tree population in the city. The board has further determined that the city has insufficient legal vehicles to assure that such development adequately preserves, protects and provides for replacement of trees.

The preservation of the private tree canopy and the planting of replacement trees is intended to enhance the quality of life and the environment of the city; to preserve the character of the wooded and natural areas; to reduce energy consumption; to protect air quality; to baffle noise; to preserve and enhance habitat for wildlife; to reduce topsoil erosion and storm water runoff; to protect and increase property values; and to enhance the overall appearance of the city. (Ord. No. A-38, 05-05-14)

Sec. 21-81. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggregate diameter: The combined diameter of a multiple trunk tree measured at breast height.

Building: The term "building" shall be as defined in section 30-1.

Certified arborist: An arborist certified by the Massachusetts Arborists Association or International Society of Arboriculture, or any successor organization.

Diameter breast height (DBH): The diameter of the trunk of a tree 4½ feet above the existing grade at the base of the tree.

Drip line: A vertical line running through the outermost portion of the crown of a tree and extending to the ground.

Exempt lot: A lot which meets all of the following criteria:

(1) The lot is occupied and used primarily as a dwelling for up to four families at the time any protected tree(s) are removed.

(2) The lot owner at the time of protected tree removal has owned the lot continuously for a minimum of ninety (90) days prior to the removal of any protected tree(s).

(3) The existing structure on the lot remains occupied as a dwelling with a person or persons living in it for eighteen consecutive months from the date any protected tree(s) are removed.

(4) The lot remains owned by the same person for eighteen consecutive months from the date any protected tree(s) are removed.

Exterior work permit: A permit or approval which is required in order to perform work on a vacant lot or to the exterior of a building on a lot, including, but not limited to the following: a building permit; a review of an alteration of contour of land if required pursuant to section 30-5(c)(1); curb cut and street opening permits; an order of conditions; certificates of appropriateness, nonapplicability, or hardship; a demolition permit pursuant to section 22-44; site plan approval pursuant to section 30-23; subdivision approval; a special permit pursuant to section 30-24; a comprehensive permit.

Occupied Lot: A lot containing a legally constructed, permanent structure, used primarily as a dwelling that is currently being legally occupied and lived in and used as a residence by a person or persons. The dwelling must have a functioning, legally permitted, permanent water service, permanent sanitary service, and permanent electrical service.

Person: Any person, firm, partnership, association, corporation, company or organization of any kind including, but not limited to, the person removing a protected tree as well as the owner of the real property from which the tree is removed. The definition of "person" shall not include the City of Newton.

Protected tree: Any tree having a diameter of eight inches (8") DBH or larger or having an aggregate diameter of fifteen inches (15") DBH or larger and which is located on land subject to the provisions of section 20-32.

Pruning standards: Standards for pruning as defined in the City of Newton Tree Management Manual, 1995 and any future amendments or revisions to the same.

Remove (including removing and removal): The cutting down of any protected tree and all other acts which cause the actual removal or the effective removal through damaging, poisoning or other direct or indirect actions resulting in the death of a protected tree, including, but not limited to, excessive or improper pruning.

Tree Manual: The City of Newton Tree Management Manual, 1995, and any future amendments and revisions to the same. (Ord. No. V-275, 12-6-99)

Tree Warden: The commissioner of parks and recreation or his designee. (Rev. Ord. 2007, § 20-31; Ord. No. A-38, 05-05-14)

Sec. 21-82. Applicability, permit or certificate of exemption required.

(a) *Applicability:* The terms and provisions of this article shall apply to any protected tree located on land within the city not owned by the city, the commonwealth, or any independent authority of the commonwealth, or by the federal government except protected tree(s) located on an exempt lot pursuant to paragraphs (c) and (d) below.

(b) *Permit, certificate of exemption:* No person shall remove a protected tree on a non-exempt lot located on land subject to the provisions of this article, or commence legally permitted exterior work on any lot without first obtaining a tree permit or a certificate of exemption from the tree warden. Applications shall be made in writing on forms specified by the tree warden.

(c) *Exempt lot, certificate of exemption:* The owner of an exempt lot shall not be required to apply for a tree permit, provided however, that an owner of an exempt lot who seeks an exterior work permit must certify to the tree warden on form(s) provided by the tree warden, that as of the date on the form(s) the lot qualifies as an exempt lot and will remain an exempt lot for eighteen months following tree removal. There shall be no fee for filing a certificate of exemption.

(1) The tree warden shall determine whether a property is an occupied lot for the purposes of establishing exempt lot status. The property owner shall, if requested by the tree warden provide proof of ownership as well as a written statement confirming ownership and that a person or persons are living in the property.

(2) If lot ownership changes during the eighteen consecutive months following the removal of any protected tree(s) on an exempt lot, the new owner must apply for a tree permit and shall be required to replace any protected tree(s) that were removed. If, However, a change of ownership occurs on a lot for which an extension of exempt lot status for non-occupancy during construction has been issued within the eighteen months prior to the change in ownership, the person issued such extension shall apply for a tree permit and shall be required to replace any protected tree(s) that were removed.

(d) *Extension of exempted lot status:* If at any point during the eighteen consecutive months following the removal of any protected tree(s) the property is no longer an occupied lot, the current owner of the lot must apply for a tree permit. If the non-occupancy is due to legally permitted construction, the tree warden may grant an extension of exempt lot status for the duration of the construction, provided:

(1) The owner intends to own the lot for eighteen consecutive months from the date a certificate of occupancy is issued for the construction for which the extension was issued; and

(2) The property remains an occupied lot for eighteen consecutive months from the date a certificate of occupancy is issued for the construction for which the extension was issued.

(3) Upon request of an applicant for exempt lot status extension, the tree warden may also waive the requirement that the lot be continuously owned by the same owner for ninety (90) days prior to protected tree removal provided the owner intends to own the lot for twenty-one months from the date a certificate of occupancy is issued for the construction for which the extension is granted..

(4) If at any time during the applicable eighteen or twenty-one month period the lot ownership changes or the lot is not occupied, the tree warden shall revoke the tree permit and exempt lot status extension. The person issued the extension shall file a new tree permit application and shall replace any protected trees that were removed.

(5) Any person issued an extension of exempt lot status must report to the tree warden any change of ownership and any change of occupancy status within fifteen (15) days of the change if that change takes place during the applicable eighteen (18) month or twenty-one (21) month period following the date the certificate of occupancy issued. (Ord. No. A-38, 05-05-14)

Sec. 21-83. Permit application.

(a) *Contents, fee:* An application for a tree permit shall be submitted to the tree warden. The application for a tree permit shall be accompanied by a fee in the amount of one hundred fifty dollars (\$150.00) and shall include, but not be limited to, the following:

(1) The shape and dimensions of the parcel of real property to be developed, together with the existing and proposed locations of structures and improvements, if any;

- (2) A tree plan showing the location, type and size of each protected tree indicating which protected tree(s) are to be removed, and the location, type and size of replacement trees;
- (3) The proposed relocation of any existing protected tree with a statement prepared by a certified arborist explaining how each such protected tree is to be relocated and maintained;
- (4) The location of existing and proposed underground or overhead utility services, existing and proposed roadways, bikeways, walkways and parking areas;
- (5) Any proposed grade changes which might adversely affect or endanger any protected tree with a statement prepared by a certified arborist explaining how each such protected tree shall be protected and maintained;
- (6) The proposed method of protecting the remaining protected trees during the course of the construction.

(b) *Review of permit applications:* The tree warden shall review applications for tree permits in accordance with the provisions of this article. The tree warden shall date stamp or otherwise record the date of filing of each application for a tree permit. The tree warden shall complete the review of each tree permit application no later than ten (10) business days after the submission of a completed application to the tree warden and shall report to the commissioner of inspectional services within ten (10) business days of a request with respect to any tree permit application submitted in connection with a building permit as to whether said tree permit has been granted or denied. If no such report is received by the commissioner within the above-stated time period, he shall accept an application for a building permit without receipt of such report.

(c) *Standards for grant or denial:* No tree permit shall be issued unless one of the following conditions exists:

- (1) The protected tree will be relocated or replaced on site.
- (2) The protected tree will be replaced by payment in lieu of planting replacement trees as outlined in section 21-86.
- (3) The protected tree is interfering with existing structures, utilities, streets, sidewalks or other existing improvements
- (4) The protected tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of public utility service, is causing drainage or passage problems upon rights-of-way, or poses a threat to pedestrian or vehicular safety.
- (5) The removal of the protected tree is necessary and desirable in order to enhance or benefit the health or condition of other trees on the same site as certified to the tree warden by a certified arborist.
- (6) No protected tree(s) are to be removed from the site and appropriate tree protection measures will be in place where necessary as determined by the tree warden.

(d) *Conditions:* Upon the issuance of a tree permit, the tree warden may prescribe in writing such protective measures for existing protected trees as he deems necessary. Before site disturbance may begin, the tree warden may make a determination that the prescribed protective measures have been adequately provided.

(e) *Construction:* Except as provided in a tree permit, construction activities under the drip line of a protected tree are prohibited. Activities include, but are not limited to, trenching or grading,

storage of materials or equipment, passage of heavy equipment within the drip line and spillage of chemicals or other materials, which are damaging to trees.

(f) *Suspension or revocation*: A tree permit may be suspended or revoked at any time by the tree warden upon written notice to the permit holder that the permit holder has failed to comply with either this article or the conditions of the permit. The written notice shall be sent by certified or registered mail, return receipt requested, or by hand delivery and shall provide an opportunity for the permit holder to correct the noncompliance and apply for a renewal of the tree permit upon compliance, where practicable. The suspension or revocation of a tree permit in accordance with this subsection shall not affect the validity of a building permit issued in reliance upon the issuance (granting) of such tree permit nor shall such suspension or revocation be cause for withholding the issuance of a certificate of occupancy.

(g) *Appeal*: Any person aggrieved by a decision of the tree warden may file an appeal with the mayor or his designee. Said appeal must be in writing and must be received by the mayor or his designee within five (5) business days of issuance of the tree warden's decision. Upon receipt of such appeal, the mayor or his designee shall provide a copy to the clerk of the board of aldermen and to each alderman for the ward in which the trees are located. The mayor or his designee shall make a final decision on the matter within thirty (30) days from the date of receipt of the appeal. The mayor or his designee shall include in the decision the rationale therefor. Upon issuance of the final decision, the mayor or his designee shall provide a copy to the clerk of the board of aldermen and to each ward alderman for the ward in which the trees are located. There shall be no further appeal of the matter decided by the mayor or his designee. No protected trees shall be removed while an appeal is pending.

(Ord. No. V-275, 12-6-99; Ord. No. X-202, 04-03-06; Rev. Ord. 2007, § 20-33; Ord. No. A-38, 05-05-14)

Sec. 21-84. Activities not requiring a permit.

(a) *Pruning*: A permit is not required for the pruning of protected trees. However, in order to prevent excessive pruning and topping of trees and to prevent pruning that will be hazardous to the health and natural appearance of the tree, compliance with approved pruning standards is required, and failure to meet these standards is a violation of this article. The tree warden shall maintain on file at all times a copy of the current edition the Tree Manual and shall make copies of the Tree Manual available for the cost of reproduction upon request.

(b) *Emergencies*: If any protected tree shall be determined to be in a hazardous condition so as to immediately endanger the public health, safety or welfare or cause an immediate disruption of public services and require immediate removal without delay, oral authorization may be given by the tree warden to remove such tree, utilizing such professional criteria and technical assistance as he deems necessary, and the protected tree may be removed without obtaining a written permit as otherwise required by this article. The tree warden shall memorialize in writing each such oral authorization to remove a tree and keep a record of the same.

(c) *Waiver*: The requirements of this article may be waived by the tree warden during the period of an emergency such as a tornado, windstorm, flood or other act of God. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-34; Ord. No. A-38, 05-05-14)

Sec. 21-85. Tree replacement.

(a) *Required:* A protected tree shall be replaced in the manner provided in subsection (b) hereof in each instance in which a protected tree was removed from land subject to the provisions of section 21-82 without a tree permit.

(b) *Standards:* A person who has removed a protected tree and is required to replace such tree pursuant to subsection (a) hereof or as a condition of granting a tree permit in accordance with section 21-83, shall replace such tree within eighteen (18) months, or prior to transfer of property ownership whichever comes first from the date the tree permit is issued and in accordance with the following standards:

(1) A replacement tree shall be of the same or similar species or such other species as deemed advisable by the tree warden in accordance with the Tree Manual and shall have the same or equivalent size as measured in DBH inches as that of the protected tree that has been removed.

(2) In the event that a tree of the same or equivalent size as measured in DBH inches cannot be planted, then multiple smaller replacement trees may be planted provided that, wherever practicable, as determined by the tree warden, the total DBH of the replacement trees shall, when added together, equal the total DBH of the protected tree that has been removed. The tree warden may specify that replacement trees be of a minimum caliper when consistent with current accepted practice as stated in the Tree Manual.

(3) A replacement tree shall be required to survive for a minimum of one eighteen (18) months from the date it is planted. The person planting the tree shall provide documentation as to the date of planting and file the same with the tree warden within fifteen (15) days of the planting of said replacement tree.

(4) A replacement tree shall be planted on the same lot from which the tree was removed.. (Ord. No. V-275,

12-6-99; Rev. Ord. 2007, § 20-35, Ord. No. A-38, 05-05-14)

Sec. 21-86. Tree replacement fund.

(a) *Established:* There is hereby established a tree replacement fund which shall be held in a separate identifiable account and administered in accordance with applicable provisions of the General Laws. Any payments into the tree replacement fund required by this article shall be deposited in the tree replacement fund and shall be used in accordance with subsection (c) hereof.

(b) *Payment in lieu of planting replacement tree(s):* In lieu of planting a replacement tree as provided in section 21-85, a person who has been granted a tree permit may make a contribution to a tree replacement fund in an amount equal to the cost to replace the tree in accordance with the provisions of section 21-85, which cost shall be determined by the tree warden based on the City's current cost to purchase and install trees.

(c) *Maintenance of tree replacement fund:* The tree replacement fund shall be maintained in a separate account in accordance with state law. All sums deposited into such fund shall be used solely for the purpose of buying, planting and maintaining trees in the city. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-36; Ord. No. A-38, 05-

05-14)

Sec. 21-87. Rule and regulations.

The tree warden is authorized to promulgate reasonable rules and regulations to implement administration of sections 21-80 through 21-90. (Ord. No. A-38, 05-05-14)

Sec. 21-88. Enforcement.

(a) *Notice of violation:* Any person who violates any of the provisions of this article shall be notified by the tree warden of the specific violation by certified mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation and a reasonable time period within which compliance must be had. The tree warden shall send notice of violation of section 21-86), which notice shall include the date by which trees were to be replaced or payment was to be made for purposes of computing the "per day" violation fine, as provided in section 21-89.

(b) *Stop work order:*

(1) Upon notice from the tree warden that work on any protected tree, or lot on which a protected tree is located, is being performed contrary to the provisions of this article, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume.

(2) The tree warden is also authorized to request the agency which has granted an exterior work permit to order, to the extent permissible by law, that the owner cease any activity pursuant to the exterior work permit that might affect such protected tree while a stop work order is pending.

(3) Any person who shall continue any work in or about the protected tree or lot on which a protected tree is located after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than three hundred dollars (\$300.00) for each such violation. Each day during which a violation exists shall constitute a separate offense.

(c) *Injunctive relief:*

(1) Whenever there exists reasonable cause to believe that a person is violating this article or any standards adopted pursuant to this article or any term, condition or provision of an approved tree permit, the city may, either before or after the institution of any other action or proceeding authorized by this article, institute a civil action in the name of the city for a mandatory or prohibitory injunction and an order of abatement demanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

(2) Upon determination of a court that an alleged violation is occurring, it shall enter such order or judgment as is necessary to abate the violation. The institution of an action for injunctive relief under this subsection shall not relieve any party to such proceedings from any civil penalty prescribed for violation of this article. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-37; Ord. No. A-38, 05-05-14)

Sec. 21-89. Penalties.

(a) *Removal without a permit:* Each instance in which a protected tree is removed without a permit shall constitute a violation of this article which shall be subject to a fine in the amount of three hundred dollars (\$300.00).

(b) *Failure to replace trees or make payment:* Each failure to replace a tree or make a payment into the tree replacement fund shall constitute a separate violation of this article which shall be subject to a fine in the amount of three hundred dollars (\$300.00). Each day such violation continues shall constitute a separate offense.

(c) *Failure to comply with a condition contained in a tree permit or stop work order:* Each instance where there is a failure to comply with a condition contained in a tree permit or stop work order shall constitute a violation of this article which shall be subject to a fine in the amount of three hundred dollars (\$300.00). Each day such violation continues shall constitute a separate offense.

(d) *City trees:* Nothing herein shall be construed to require the city to make a payment into the tree replacement fund for any tree(s) which it removes. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-38; Ord. No. A-38, 05-05-14)



Town of Arlington, Massachusetts

Discussion: Arlington Center on Street Parking Meter Policy

Summary:

Steven M. Byrne, Selectman

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	Memo from Selectman Byrne

To: Board of Selectmen

From: Steve Byrne

Date: 08/12/2015

Re: Arlington Center Parking Meter Policy

Dear Colleagues,

As you may remember, in October 2014 when the Board initially adopted the Nelson Nygaard parking study, we supported providing the first 15 minutes at each on street meter for free. I write to you today, as the liaison to the Parking Implementation and Governance Committee (PIGC), asking that you join me in changing our position on this policy.

The PIGC has been meeting regularly throughout the summer and we have been making great progress on the implementation of Arlington Center's new Parking strategy. After a great deal of discussion, we have come to the realization that, while providing 15 minutes of free parking is a good policy, it is simply not enforceable.

The Committee will monitor this situation after the meters are installed and report back on this endeavor if its status changes.

Thank you for your consideration.

Best,
Steve



Town of Arlington, Massachusetts

For Authorization and Approval: Notice of Activities and Uses Limitation for Buzzell Field

Summary:

Douglas W. Heim, Town Counsel

ATTACHMENTS:

Type	Description
▣ Reference Material	Memo from Town Counsel and Notice of Activity and Use Limitation



**Town of Arlington
Legal Department**

Douglas W. Heim
Town Counsel

A handwritten signature in blue ink, appearing to read "D. Heim", written over the printed name and title.

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Board of Selectmen

Cc: Adam Chapdelaine, Town Manager
Michael Rademacher, Director of Public Works

Date: August 13, 2015

Re: Buzzell Field Notice of Activity and Use Limitation

Members of the Board, as you may recall in 2007, renovations to Town recreation facilities located on Buzzell Field revealed the presence of waste materials beneath the surface of the field attributable to the historic use of the area as a municipal solid waste (MSW) disposal site as far back as the early 1900s. The former disposal site was closed and covered in the 1960s according to the standards of that time. However, modern regulations and practices require more stringent investigation and mitigation measures (such as modifications to the cap over the waste), all of which have been done to meet DEP's requirements so that the field poses no risk to public health, welfare, safety, or the environment.

The last remaining measure to be performed before the Town files with DEP to close-out the site and attest the necessary actions have been taken to assure the site presents no significant risk is to authorize, record and notice an "Activity and Use Limitation" (AUL) for the field. An AUL in this context is essentially a legal restriction on certain activities and uses of Buzzell Field to ensure that the MSW underneath the cap remains undisturbed. The proposed AUL (with attachments), is annexed hereto for your review.

I respectfully request that the Board vote to approve the execution of the AUL and to authorize me to take all steps necessary to record the notice and make requisite filings with DEP. You will find text of the necessary vote attached to the AUL as Exhibit "D." Thank you.

Note: Pursuant to 310 CMR 40.1074(5), upon transfer of any interest in or a right to use the property or a portion thereof that is subject to this Notice of Activity and Use Limitation, the Notice of Activity and Use Limitation shall be incorporated either in full or by reference into all future deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer. Within 30 days of so incorporating the Notice of Activity and Use Limitation in a deed that is recorded or registered, a copy of such deed shall be submitted to the Department of Environmental Protection.

NOTICE OF ACTIVITY AND USE LIMITATION
M.G.L. c. 21E, § 6 and 310 CMR 40.0000

Disposal Site Name: Buzzell Field, Summer Street, Arlington, Massachusetts
DEP Release Tracking No.: 3-27220

This Notice of Activity and Use Limitation ("Notice") is made as of this ____ day of _____, 2015, by The Town of Arlington, 730 Massachusetts Avenue, Arlington Massachusetts 02476, together with his/her/its/their successors and assigns (collectively "Owner").

W I T N E S S E T H:

WHEREAS, The Town of Arlington is the owner(s) in fee simple of that certain parcel(s) of land located in Arlington, Middlesex County, Massachusetts with the buildings and improvements thereon, pursuant to an Order of Taking recorded with the Middlesex-South Registry of Deeds in Book 5495, Page 515;

WHEREAS, said parcel(s) of land, which is more particularly bounded and described in Exhibit A, attached hereto and made a part hereof ("Property") is subject to this Notice of Activity and Use Limitation. The Property is shown on a plan recorded in the Middlesex-South Registry of Deeds as Plan Number 449 of 2015;

WHEREAS, the Property comprises all of a disposal site as the result of release(s) of oil and/or hazardous material. Exhibit B is a sketch plan showing the relationship of the Property subject to this Notice of Activity and Use Limitation to the boundaries of said disposal site existing within the limits of the Property and to the extent such boundaries have been established. Exhibit B is attached hereto and made a part hereof; and

WHEREAS, one or more response actions have been selected for the Disposal Site in accordance with M.G.L. c. 21E ("Chapter 21E") and the Massachusetts Contingency Plan, 310 CMR 40.0000 ("MCP"). Said response actions are based upon (a) the restriction of human access to and contact with oil and/or hazardous material in soil and/or (b) the restriction of certain activities occurring in, on, through, over or under the Property. A description of the basis for such restrictions, and the oil and/or hazardous material release event(s) or site history that resulted in the contaminated media subject to the Notice of Activity and Use Limitation is attached hereto as Exhibit C and made a part hereof;

NOW, THEREFORE, notice is hereby given that the activity and use limitations set forth in this Notice of Activity and Use Limitation are as follows:

1. Activities and Uses Consistent with Maintaining No Significant Risk Conditions.
The following Activities and Uses are consistent with maintaining a Permanent Solution and a condition of No Significant Risk and, as such, may occur on the Property pursuant to 310 CMR 40.0000:

- (i) Permitted activities and uses of the Property include those that do not result in the disturbance of soil below two (2) feet from existing surface grades, including but not limited to active recreational uses for adults and children, pedestrian and/or vehicular traffic, vehicle parking, landscaping and routine non-invasive maintenance of paved and landscaped areas;
- (ii) Subsurface activities associated with emergency utility work (less than 6 months), including excavation and/or construction, which may disturb soils below a depth of two (2) feet from surface grade, provided that no soil below two (2) feet from surface grade is relocated to a shallower depth, pre-excavation surface grades and Surface Cover conditions are restored upon completion and any displaced soil is managed in accordance with the provisions of 310 CMR 40.0030. Existing surface cover ("Surface Cover") is defined as the upper two (2) feet of soil in earthen areas or asphalt/concrete pavement and is delineated in the Sketch Plan attached as Exhibit B;
- (iii) Short Term (less than 6 months) underground construction activities that involve the disturbance of soils below a depth of two (2) feet from surface grade, provided that appropriate soil management and health and safety plans pursuant to the provisions of 310 CMR 40.1067 are prepared and implemented in accordance with Obligations and Conditions 3(ii) and 3(iii) of this Notice of Activity and Use Limitation prior to initiating such activities, and provided that pre-excavation surface grades and Surface Cover are restored upon completion and no soil below two (2) feet from surface grade is relocated to a shallower depth;

- (iv) Such other activities or uses which, in the Opinion of a Licensed Site Professional, shall present no greater risk of harm to health, safety, public welfare or the environment than the activities and uses set forth in this Paragraph; and
- (iv) Such other activities and uses not identified in Paragraph 2 as being Activities and Uses Inconsistent with maintaining No Significant Risk Conditions.

2. Activities and Uses Inconsistent with Maintaining No Significant Risk Conditions. The following Activities and Uses are inconsistent with maintaining a Permanent Solution and a condition of No Significant Risk pursuant to 310 CMR 40.0000, and, as such, may not occur on the Property:

- (i) Any use or activity that would result in the exposure to soil and/or fill materials located below a depth of two (2) feet from existing surface grades, except those uses and activities identified within Section 1(ii) and 1(iii) of this Notice of Activity and Use Limitation, unless an LSP Opinion has been rendered that concludes that such uses or activities would not violate a condition of No Significant Risk and are consistent with the provisions of the MCP;
- (ii) Use of the Property as a residence, school(with the exception of adult education), nursery, daycare, or for growing fruits or vegetables intended for consumption, or construction of any enclosed building or structure unless an LSP Opinion has been rendered that concludes that such uses would not violate a condition of No Significant Risk and are consistent with the provisions of the MCP; and
- (iii) Activities and uses that involve the relocation of soil below a depth of two (2) feet from surface grade to more accessible locations unless an LSP Opinion has been rendered that concludes that such activities would not violate a condition of No Significant Risk and are consistent with the provisions of the MCP.

3. Obligations and Conditions. The following obligations and/or conditions are necessary and shall be undertaken and/or maintained at the Property to maintain a Permanent Solution and a condition of No Significant Risk:

- (i) Existing surface grades must be maintained within the boundaries of the AUL area;
- (ii) For allowed activities and uses other than with emergency utility work described in paragraph 1(ii), an appropriate soil management plan must be developed and implemented at the site prior to any subsurface activities which would result in the disturbance of soil below a depth of two (2) feet

from existing surface grade. The soil management plan must be completed by an LSP and in accordance with the provisions of Section 310 CMR 40.0030 of the MCP; and

- (iii) For allowed activities and uses other than emergency utility work described in paragraph 1(ii), a health and safety plan must be developed and implemented prior to conducting any subsurface activities which would result in the disturbance of soil below a depth of two (2) feet from existing surface grade. The health and safety plan should be prepared in accordance with the provisions of 310 CMR 40.0018 of the MCP.

4. Proposed Changes in Activities and Uses. Any proposed changes in activities and uses at the Property which may result in higher levels of exposure to oil and/or hazardous material than currently exist shall be evaluated by a Licensed Site Professional who shall render an Opinion, in accordance with 310 CMR 40.1080, as to whether the proposed changes are inconsistent with maintaining a Permanent Solution and a condition of No Significant Risk. Any and all requirements set forth in the Opinion to meet the objective of this Notice shall be satisfied before any such activity or use is commenced.

5. Violation of a Permanent or Temporary Solution. The activities, uses and/or exposures upon which this Notice is based shall not change at any time to cause a significant risk of harm to health, safety, public welfare, or the environment or to create substantial hazards due to exposure to oil and/or hazardous material without the prior evaluation by a Licensed Site Professional in accordance with 310 CMR 40.1080, and without additional response actions, if necessary, to maintain a condition of No Significant Risk.

If the activities, uses, and/or exposures upon which this Notice is based change without the prior evaluation and additional response actions determined to be necessary by a Licensed Site Professional in accordance with 310 CMR 40.1080, the owner or operator of the Property subject to this Notice at the time that the activities, uses and/or exposures change, shall comply with the requirements set forth in 310 CMR 40.0020.

6. Incorporation Into Deeds, Mortgages, Leases, and Instruments of Transfer. This Notice shall be incorporated either in full or by reference into all future deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the Property or a portion thereof is conveyed in accordance with 310 CMR 40.1074(5).

Owner hereby authorizes and consents to the filing and recordation and/or registration of this Notice, said Notice to become effective when executed under seal by the undersigned Licensed Site Professional, and recorded and/or registered with the appropriate Registry(ies) of Deeds and/or Land Registration Office(s).

WITNESS the execution hereof under seal this _____ day of _____, 2015.

Town of Arlington
By its Board of Selectmen:

Kevin F. Greeley, Chair

Diane M. Mahon, Vice Chair

Steven A. Byrne

Joseph A. Curro, Jr.

Daniel J. Dunn

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____, 2015

On this ____ day of _____, 2015, before me, the undersigned notary public, personally appeared _____

(name(s) of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Board of Selectman of the Town of Arlington.

Notary Public:
My Commission Expires:

The undersigned Licensed Site Professional hereby certifies that in his Opinion this Notice of Activity and Use Limitation is consistent with a Permanent Solution and maintaining a condition of No Significant Risk.

Date: _____

Jeffrey A. Nangle, P.E., L.S.P.

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

_____, 2015

On this ____ day of _____, 2015, before me, the undersigned notary public, personally appeared Jeffrey A. Nangle, proved to me through satisfactory evidence of identification, which were being known to me personally, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public: Pauline Bogle
My Commission Expires:

Upon recording, return to:

Douglas Heim, Esquire
Town of Arlington
730 Massachusetts Avenue
Arlington, Massachusetts 02476

EXHIBIT A

A certain parcel of land located in the Town of Arlington on the southern side of Summer Street and shown as "Parcel A" on a Plan of Land prepared by Medford Engineering & Surveying entitled "Boundary Survey, Buzzell Field, Arlington, Mass" dated May 7, 2015 and recorded in the Middlesex-South County Registry of Deeds as Plan Number 449 of 2015, more particularly described as follows:

Beginning at point, said point being located;

- | | |
|-------------------|---|
| S 78°- 44'- 16" W | a distance of ninety-eight and 56/100 (98.56) feet; thence |
| S 11°- 15'- 44" E | a distance of fifty and 00/100 (50.00) feet; thence |
| N 78°- 44'- 15" E | a distance of forty-six and 30/100 (46.30) feet from a stone bound located on the northern sideline of Summer Street at the point of curvature for the westerly sideline of Victoria Road as shown on the aforementioned plan; thence |
| N 78°- 44'- 16" E | a distance of three hundred nine and 07/100 (309.07) feet; thence |
| Easterly | a distance of one hundred seventy-five and 15/100 (175.15) feet along a curve to the right having a radius of four hundred ninety-four and 29/100 (494.29) feet; thence |
| Southeasterly | a distance of ten and 00/100 (10.00) feet along a curve to the right having a radius of five hundred one and 90/100 (501.90) feet; thence |
| Southerly | a distance of three hundred six and 01/100 (306.01) feet along a curve to the left having a radius of five hundred sixty 00/100 (560.00) feet; thence |
| S 28°- 29'- 20" W | a distance of forty and 00/100 (40.00) feet; thence |
| S 84°- 48 -'12" W | a distance of eighteen and 04/100 (18.04) feet; thence |
| N 16°- 29'- 34" W | a distance of fourteen and 13/100 (14.13) feet; thence |
| N 61°- 32'- 09" W | a distance of one hundred fifteen and 01/100 (115.01) feet; thence |
| S 36°- 47'- 45" W | a distance of eighty-nine and 91/100 (89.91) feet; thence |
| S 75°- 45'- 51" W | a distance of forty-five and 20/100 (45.20) feet; thence |
| S 60°- 34'- 59" W | a distance of seventy-one and 08/100 (71.08) feet; thence |

EXHIBIT A (continued)

N 76°- 13'- 56" W a distance of one hundred twenty five and 80/100 (125.80) feet; thence
N 76°- 13'- 56" W a distance of eighty-seven and 20/100 (87.20) feet; thence
N 61°- 11'- 24" W a distance of fifty-three and 53/100 (53.53) feet; thence
N 11°- 49'- 11" E a distance of one hundred fifty and 99/100 (150.99) feet; thence
N 00°- 51'- 32" E a distance of one hundred and 00/100 (100.00) feet, to the point of
beginning.

Said parcel containing 162,156± square feet of land, as shown on said plan.

EXHIBIT B

Disposal Site/Parcel/AUL Boundary Sketch

EXHIBIT C

SUMMARY OF RELEASE DESCRIPTION AND BASIS FOR NOTICE OF ACTIVITY AND USE LIMITATION

Buzzell Field, Summer Street
Arlington, Massachusetts 02476
Release Tracking Number 3-27220

Pursuant to the provisions of Section 40.1074 of the Massachusetts Contingency Plan (MCP), the following description of release/environmental assessment history and the basis for implementing a Notice of Activity and Use Limitation (AUL) at the property known as Buzzell Field and described in Exhibit A of the Notice of AUL has been prepared by Nangle Consulting Associates, Inc. (NCA) on behalf of the Town of Arlington.

Release/Environmental Assessment History

The release condition for which response actions have been undertaken at the Buzzell Field property may be described as a combination of solid waste management and hazardous materials issues attributable to historic uses involving the operation of a municipal solid waste (MSW) disposal site by the Town of Arlington. Based upon the review of available information, approved MSW operations were performed at and in the area of Buzzell field between the period of the late 1940's through the 1950's. In the early 1960's, this solid waste disposal area was covered in accordance with the then existing industry standards, with final surface cover consisting of gravel, loam and seed to support future use as recreational playing fields. To assist in the review of the information presented within this summary, a USGS Topographic Locus Map and a Sketch Plan of Site may be referenced as Figures 1 and 2, respectively.

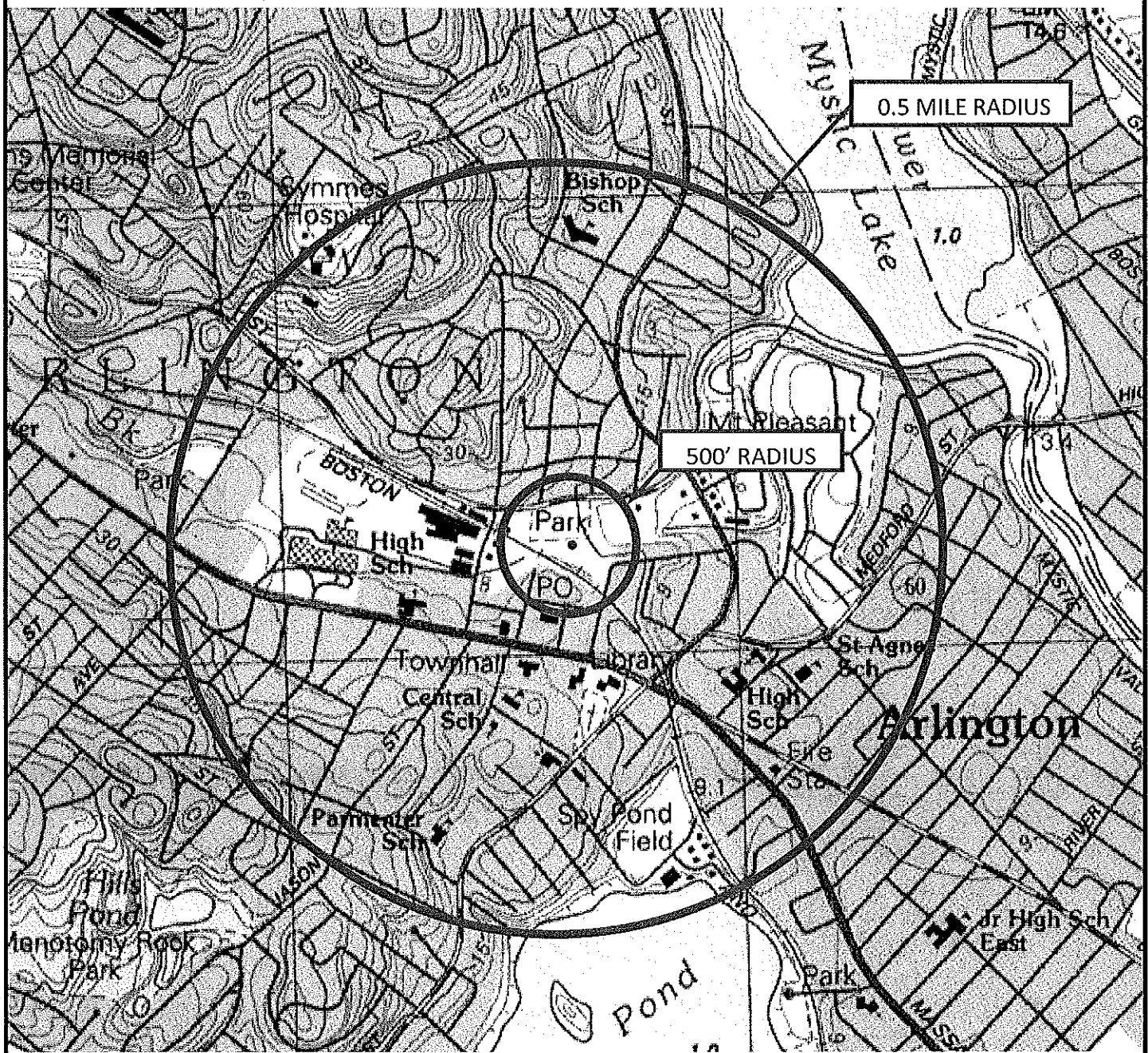
In the summer of 2007, site contractors retained by the Town of Arlington began renovating Buzzell Field through the installation of new playing surfaces and improved drainage features. While excavating for utility installation, indications of municipal solid waste were encountered and project activities were shut down pending the appropriate assessment of site conditions and review of former land use practices. The review of available site history information identified correspondence from the Commonwealth of Massachusetts Department of Public Health to the Town of Arlington, dated 14 April 1950, which indicated that the facility was being managed within the framework of state and local regulatory guidance existing at that time. Historically, selection of this location for the deposition of trash dates back to the early 1900s when a portion of a surface water body referred to as "Suckers Brook" (Mill Brook) and subsequently Fowles Pond was culverted to mitigate local Board of Health and nuisance issues. Following this, formal landfill operations continued in the area, resulting in the filling of the former wetland area up to the surface grades that exist today. The area of the former landfill has supported recreational uses since at least the early 1960s.

The scope of assessment activities completed by NCA on behalf of the Town of Arlington has included the investigation of soil/fill and groundwater quality, together with an evaluation of the extent of land filling activities. This scope of work was performed through the placement of six (6) test borings, five (5) 2-inch diameter groundwater observation wells, 18 test pits and 42 geoprobes. Approximate sampling locations may be referenced from Figure 3. In general, the assessment of Buzzell Field has revealed a maximum depth of trash extending up to 25 feet in central portions of the former landfill. The footprint of the former landfill within the boundary of the Buzzell Field parcel that is the subject of the Notice of AUL appears to extend to the general limits of the former Fowles Pond/Sucker Brook resource area. This extent of fill deposition is consistent with the depths of the culverted Mill Brook which passes along the southerly limits of the project area. Solid waste material encountered during boring/test pit/geoprobe placement generally consisted of scrap metal, plastic, glass, leather, ash, paper and cloth. With the exception of trace levels of petroleum residuals approximately 6-8 feet below surface grade at one location and the identification of several elevated metals in isolated soil samples, the physical inspection and laboratory quantification of fill deposition suggest a predominance of municipal solid waste materials.

In general, response actions conducted under RTN 3-27220 have included the completion of comprehensive assessment activities, modifications to the originally proposed renovation design and the placement of an earthen direct contact barrier (cap) over portions of the parcel that were renovated in 2008. As described in NCA's September 2010 Phase II Comprehensive Site Assessment Report and Phase III Remedial Action Plan, the original renovation plan for Buzzell Field had anticipated the removal of existing surface cover to a depth of 12-18 inches below grade and the re-establishment of surface grades/playing fields. Following MDEP review, revisions were made to this plan to incorporate the risk reduction elements of the Massachusetts Contingency Plan (MCP) through the installation of a direct contact capping measure having a thickness of 30-36". It is to be noted that revisions to the originally designed scope of work also included a reduction in the extent of sub-grade utilities and the sealing of deep manhole structures. Since the completion of construction activities in the spring of 2008, the direct contact barrier has revealed no compromises to its integrity, or significant deviations from its design criteria.

Reason for Notice of Activity and Use Limitation

A risk characterization has been completed for the site utilizing the environmental data and information obtained through the assessment activities referenced above. Based upon the results obtained, it has been determined that no significant risk to health, public welfare, safety or the environment currently exists. As a greater risk could potentially exist if deeper soils or historic solid waste materials beneath the clean soil cover/cap were exposed or relocated to the surface, future activities and uses have been limited to eliminate potential exposure pathways through the implementation of a Notice of AUL for the Buzzell Field Property (Figure 2).



U.S.G.S TOPOGRAPHIC LOCUS
BUZZELL FIELD
ARLINGTON, MASSACHUSETTS

U.S.G.S QUADRANGLE
BOSTON-NORTH

CONTOUR INTERVAL-3 METERS



KILOMETERS



MILES

LATITUDE/LONGITUDE

N 42°25'06" W 71°09'22"

UTM

N 4698.470 KM E 322.604 KM

NCA

Nangle Consulting Associates, Inc.
45 Dan Road - Suite 115 Canton, Massachusetts

Date: JUL 2015

Job No: 488.02



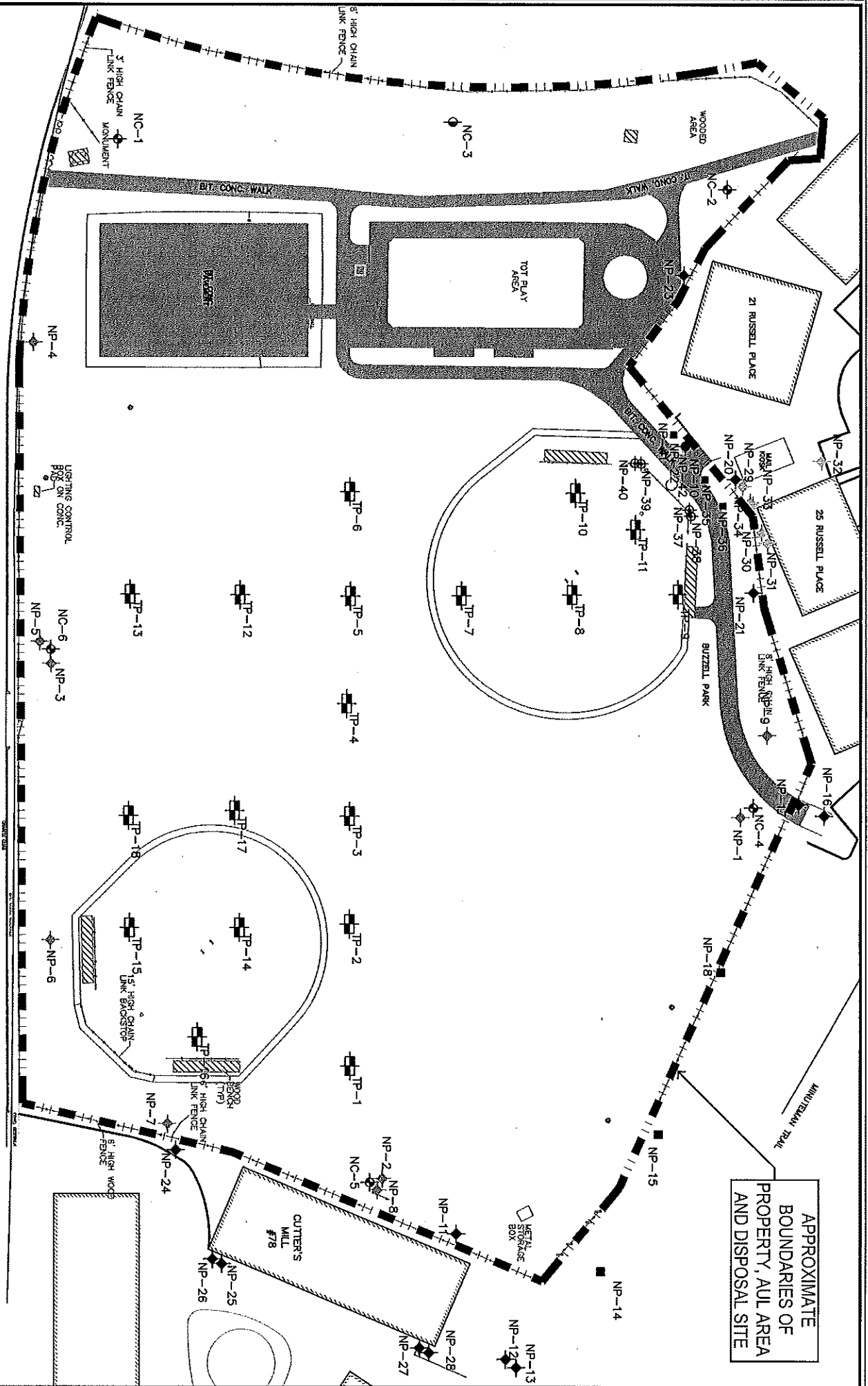
Figure

1



2

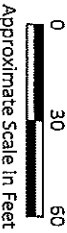
APPROXIMATE
BOUNDARIES OF
PROPERTY, AUL AREA
AND DISPOSAL SITE



LEGEND

- SOIL GAS PROBE
PLACED BY NCA: SEPT 07
- SOIL GAS PROBE
PLACED BY NCA: OCT 07
- SOIL GAS PROBE
PLACED BY NCA: DEC 14
- SOLID WASTE DELINEATION
BORING PLACED BY NCA
- TEST PIT
PLACED BY NCA
- TEST BORING
PLACED BY NCA
- MONITORING WELL
INSTALLED BY NCA

REFERENCE: Sept 2014 Plan Prepared by Medford
Engineering & Survey entitled "Boundary
Survey-Buzzell Field, Arlington MA



Date: JUL 2015

Job No: 488.02

SKETCH PLAN OF SITE
APPROXIMATE NCA
SAMPLE LOCATIONS

BUZZELL FIELD
ARLINGTON
MASSACHUSETTS

EXHIBIT D

CERTIFICATE OF VOTE

Board of Selectman
Town of Arlington, Massachusetts

The undersigned, being the Board Administrator of the Board of Selectmen of the Town of Arlington, hereby certifies that Board of Selectmen by a vote of _____ took the following action at a duly noticed meeting held on _____:

VOTED: The Board of Selectmen does hereby authorize the execution of a Notice of Activity and Use Limitation with respect to Buzzell Field (Summer Street), Massachusetts Department of Environmental Protection (MDEP) Release Tracking Number 3-27220, and further authorizes the Town Counsel to take all necessary steps to record said Notice of Activity and Use Limitation and make necessary filings with the MDEP to achieve an appropriate Permanent Solution with respect to this Property.

I further certify that the aforesaid vote has not been rescinded, in whole or in part, by vote of the Board of Selectmen.

Signature

Marie A. Krepelka, Board Administrator

Date:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 2015

On this the ____ day of _____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public:

My Commission Expires:



Town of Arlington, Massachusetts

For Discussion and Approval: Board of Selectmen Comments to MassHousing re: Site Approval Application of Arlington Land Realty

Summary:

Douglas W. Heim, Town Counsel

ATTACHMENTS:

Type	Description
☐ Reference Material	First Draft Letter
☐ Reference Material	2nd Draft Letter
☐ Reference Material	Attachments for both drafts and final version
☐ Reference Material	Final version of letter as approved by Board at meeting

August 18, 2015

Thomas Gleason,
Executive Director
MassHousing
One Beacon Street
Boston, MA 02108

RE: "Thorndike Place," Arlington, MA

Dear Executive Director Gleason:

Please accept this letter on behalf of the Board of Selectmen ("Selectmen") of the Town of Arlington ("Arlington") in reference to the application for project eligibility/site approval submitted to MassHousing by Arlington Land Realty, LLC (the "Applicant") for a development of two hundred and nineteen (219) units off of Dorothy Road in Arlington, Massachusetts ("Development"). For the reasons set forth in detail below, the Board of Selectmen respectfully advises that the Applicant's request for project eligibility/site approval cannot be granted under the standard of review employed by MassHousing. Accordingly the Board urges MassHousing to deny the Applicant's request for project eligibility/site approval.

In summary, our recommendation is based on our review of the Application, our personal knowledge of the locus and the immediate neighborhood, including the history of the site; of relevant environmental and infrastructural constraints; and of Arlington's robust and documented planning for affordable housing and growth management to reach two conclusions:

First, the Application fails to satisfy threshold requirements and policies of MassHousing designed to protect the public's interest and properly promote affordable housing. Second, and most importantly, the Application fails to address substantive issues particular to the site in a manner that would give this Board any confidence of the appropriateness of this project. As articulated by an Arlington resident who had expressed she had an "open mind" at the outset of a public meeting on same, presenting the "bare minimum" to MassHousing, this Board, and the public is not sufficient or acceptable given the very real and demonstrated threats to public health and safety posed by the proposed project.

As we discuss in detail below, while this Board appreciates the Applicant's efforts to present this project to us, and indeed we support the development of further affordable housing in Arlington, there is no rational support for issuing project eligibility approval for this project at this location given both threshold technical and substantive deficiencies readily apparent. Therefore, we urge MassHousing to deny the application.

History of the Thorndike Place Site

As an initial matter, the Selectmen believe it important for MassHousing to understand the character and history of the site in question. (A detailed timeline of the Town's records of ownership and use of the site is annexed hereto as Attachment "A"). The Mugar family initially acquired 17.7 acres of land in the early 1950s with the intention of building a Star Market. At the outset, the Mugars promised they would not develop the site with access through the residential streets abutting the property. Following the reconstruction of Route 2 in the 1960s, the Mugars sought and were granted several zoning changes and special permits for various projects to develop the site over the thirty years that followed (a 20-story apartment building with 5-story office building, a 325,000 square foot office complex, and a 17-lot single family residential plan in 1990), all of which were eventually abandoned..

In 1992 the Metropolitan District Commission ("MDC") Land Acquisition Program ranked the site as the 12th highest priority acquisition target for conservation in its 37-municipality service area. See MDC Conservation Target Acquisition Letter, annexed hereto as Attachment "B-1." The Mugars continued to explore development options, but Arlington began working to find means of acquiring the site for such conservation and open space purposes. Eventually, Arlington's 2000 Town Meeting voted to negotiate the purchase of the land (and again to "protect" the site in 2001), but at that same approximate time the Mugars began forwarding a new proposal for a 300,000 square foot office complex. As with prior efforts to develop the locus, the proposed office complex development was abandoned.

Meanwhile, the MDC (now the Department of Conservation and Recreation) continued to stress the Thorndike site's priority for protection, noting in an October 19, 2000 letter to the Executive Office of Environmental Affairs that the site was one of the most significant undeveloped open spaces in the Boston Metropolitan area. See MDC-EOEA Letter attached hereto as Exhibit "B-2." Following receipt of the instant application, Arlington confirmed with the Department of Conservation and Recreation that the site was and is identified as a priority for protection and preservation. See July 21, 2015 Letter of DCR Commissioner Sanchez annexed hereto as Attachment "B-3." Protection of the locus is not a new idea, nor borne out of reaction to the current proposal. For over fifteen years, the Town, the Arlington Land Trust, and the Trust for Public Land have made good faith and credible offers to purchase the site.

Similarly, the Town has expended considerable time and resources developing both a Master Plan and Open Space Plan, which both codify the Town's decades-long position that the site in question must be conserved and preserved as flood-prone open space. As such, whenever the present developer approached Town officials about developing the site, they were encouraged instead to look at other sites to redevelop in Arlington, especially the former Symmes Hospital site which was fully permitted and available for a number of years.

The history between the Town and various parties seeking development of the site has never reflected a lack of respect for the Mugar family nor opposition to development, including affordable housing in Arlington. Quite the contrary. Throughout the Fifties, Sixties, and Seventies, the Town largely supported the Mugar's designs. However, as evidenced by the Commonwealth's own determinations relating to this site as far back as 1992, much has been learned about conservation and environmentally sustainable, smart, and appropriate municipal planning and development. As discussed in detail below, the proposed project for this locus is anything but sustainable, smart or appropriate and we trust that MassHousing will reject the application for project eligibility approval now, before additional private and public resources are expended.

1. The development does not qualify for the program under which it has applied, nor does it have any eligible federal or state subsidy as required under GL. c. 40B

The Applicant has ostensibly filed an "Application for Chapter 40B Project Eligibility/Site Approval for MassHousing-Financed and New England Fund (NEF) Rental Projects." On the Application Checklist, the Applicant has checked the box indicating that it has submitted an "NEF Lender Letter of Interest." Such submission is required under Section 5.1 of the Application, which calls for a "letter of interest from a current Federal Home Loan Bank of Boston (FHLBB) member bank," containing "confirmation that the Bank is a current FHLBB member bank and will specifically use NEF funds for the proposed development."

There is no letter of interest from a current FHLBB member bank confirming that NEF funds will be used for the project. Instead, there is a letter from TD Bank *explicitly stating that it is not an NEF member bank*. Where the Applicant has not submitted even the fig leaf of a federal subsidy that is an NEF letter - while baldly asserting that it has - MassHousing should conduct no further review of Application. Certainly no approval of this Application can be forthcoming where - as clearly stated on the application form - "[i]n order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the Proposed Project is . . . fundable under the applicable program."

The Applicant has submitted no evidence of any other federal or state subsidy, without which the project does not qualify for *any* approval by MassHousing. The Application should be denied on this ground alone.

2. The Applicant has failed to submit evidence of Site Control and accordingly is ineligible for any approval

As a second threshold deficiency for project eligibility/site approval, the Applicant also failed to demonstrate site control. Absent evidence of site control, MassHousing should deny further review of the Application, and certainly cannot grant approval.

In Section 4, the Applicant has checked the box indicating that the project site is "Owned (or ground leased) by the Development Entity or Applicant."¹ The Applicant is Arlington Land Realty, LLC. There is no documentation of the claim that Arlington Land Realty, LLC owns (or has a ground lease for) the project site, or otherwise has the requisite site control.

The Applicant has attached a 2009 deed into the Arlington Land Realty Trust (consideration: \$10.00). The Applicant attaches no deed, option, or purchase and sale agreement purporting to convey the project site to the Applicant, Arlington Land Realty, LLC.

Under the application section for "Deeds or Ground Leases," the Applicant provides only the following information: "November 12, 2009 - transfer to LLC May 19, 2015," and a purchase price of \$1,500,000. Again, there is no *evidence* of any transfer of the project site into the Applicant - perhaps the "LLC" referenced above - on May 19, 2015, also the date of the Application to MassHousing. Nor is there any documentation to support the \$1,500,000 purchase price referenced with respect to the May 15, 2015 "transfer." Further, to the extent the Applicant is attempting to pass off the deed into the Arlington Land Realty Trust as evidence of site control, the Applicant has failed to submit "copies of all plans referenced" in the deed, as explicitly required in the application. The Applicant's claim to "ownership" of "the entire site as shown on the site layout plans" is thus wholly unsupported.

The Selectmen are aware of the low evidentiary bar applied by MassHousing during the project eligibility/site approval process. Yet we assume that a *notation on the application itself* stating "transfer to LLC May 19, 2015" cannot possibly suffice as evidence that the Applicant has site control. The fact that the entities are reported as related does not obviate the need for some such evidence. Hence, as there is no support in the Application for a finding that the Applicant controls the site, as required by 760 CRM 56.04 (4), the Application must be denied.

¹ Confusingly, the Applicant has indicated that the terms "Grantor/Seller" and "Grantee/Buyer" are "N/A," or not applicable, but has checked the box indicating that the "Grantee/Buyer" is the "Developer Entity." In the section for Purchase and Sale Agreements or Option Agreement, the Applicant has identified the Grantor/Seller as Arlington Land Realty Trust, and the Grantee/Buyer as Arlington Land Realty LLC, but has also indicated that the terms Grantor/Seller and Grantee/Buyer are "N/A." There either exists a Grantor/Seller and a Grantee/Buyer, or there does not; there exists either a deed, or a purchase and sale agreement - or perhaps neither - but there should be a single answer.

3. The Application on its face violates MassHousing's Land Acquisition Value policy

As noted above, the Applicant has stated a purchase price for the project site of \$1,500,000. See Section 4 of the Application, "Site Control." Elsewhere in the Application - see Section 5, "Financial Information" - the Applicant indicated a site acquisition cost of \$4,100,000.00. The Applicant provides the figure of \$4,100,000 not only as the "pre-permit land value" - unsupported by any appraisal - but also as the "Actual Acquisition Cost" - that is, the amount the Applicant *in fact* has paid, or will pay for the property.² See p. 14-15 (emphasis supplied). There are no documents supporting the assertion that the Applicant has paid, or will pay \$4,100,000 for the project locus.

The Applicant's claim to a totally fictitious site acquisition cost violates MassHousing's Land Acquisition Value policy. Further, it calls into question the validity of other pro forma values provided by the Applicant, and prevents MassHousing from making the required findings that the project is "financially feasible" and "consistent with Chapter 40B Guidelines." As MassHousing is aware, a fictitious and inflated land valuation (in addition to being a possible violation of federal and state law) was grounds for the agency's withdrawal of a site approval letter for a comprehensive permit project in Sharon. In this case, the agency is aware of the Applicant's inflated land value *prior* to issuing any approval, and should deny the application outright based on this misrepresentation.

4. The Initial Capital Budget contains unsupported and contrived costs that serve to disguise the true costs of the project and profit to the developer

As a related threshold matter, the Initial Capital Budget provided by the Applicant includes vague and unexplained expenses, which intentional or not, serve to obscure the true costs of the project, and the profit to the developer. The hard costs portion of the pro forma include a \$2,203,440.00 contingency, and an additional \$2,250,000.00 for unidentified "Unusual Site Conditions/Other Site Work (fully half of the site work cost). The soft costs portion of the pro forma contains a \$295,000.00 contingency; \$42,000.00 in unidentified "costs to others"; and an *additional* \$1,540,922.00 in unidentified "other development soft costs."³

² Again, there being no documentation of the alleged transfer to the Applicant, it is unknown when such transaction has occurred or will occur.

³ To the extent the Applicant's explanation for hard costs in particular is rooted in concerns about unknown "unusual" site conditions rather than ambiguous budgeting, this Board is made only that much more concerned that the site is substantively inappropriate for a development of this scale. At our August 12, 2015 Meeting with the Applicant Selectman Byrne inquired as what such costs represent, and the Applicant responded that they would not discuss it at this time.

Simply stated, this Board suggests that contingency costs within a comprehensive permit pro forma are nothing other than a means to increase the project's costs on paper, so as to justify an increased number of units "needed" for the project to be financially feasible. The same is true of unidentified "other site work," "other costs," and "costs to others." In this case, the pro forma's contingency and unidentified costs including a total \$4,306,362 serve no more than to disguise developer profits for which comprehensive permit projects are renowned.⁴ In sum, where the Application at best reflects a lack of transparency on site control, land valuation, and budgeting, the Board trusts that MassHousing can appreciate that each these threshold deficiencies individually and collectively merit denial of this Application.

5. The proposed development is ill-suited to the project site, which is comprised largely of unbuildable wetlands and is located in a Flood Hazard Zone

According to the Applicant, the total area of the project site is 17.7 acres. Of this total area, the Applicant states that 11.5 acres, plus or minus, are wetlands.⁵ The Applicant indicates that the wetland resources are "BVW/BLSF" - Bordering Vegetated Wetlands and Bordering Land Subject to Flooding, but as no application has been made to the Arlington Conservation Commission for a delineation or Order of Conditions under the Wetlands Protection Act or the Arlington Wetlands Bylaw, the accuracy of the Applicant's

⁴ As MassHousing is aware, any profit in excess of that allowed by the subsidy program is required to be returned to the municipality, not retained by the developer. The Selectmen are advised that the Town of Grafton was recently successful in settling a \$54M lawsuit regarding the retention of excess profits from a developer in a NEF project. Without suggesting any inappropriate involvement on its part, we note that the 40B consulting firm on that project prepared the instant Application, highlighting that even if MassHousing considers these pro formas standard practice in the past, such vague budgeting at the outset present real dangers for mismanagement with weighty consequences.

⁵ The Applicant appears to have no understanding of the function or value of wetland resources and insults the residents of Arlington—and the citizens of the Commonwealth—regarding their concerns for the protection of the same. The Applicant describes the site as "wild, unkempt, and illegally dumped on for years" and promises that "the proposed project greatly improves site conditions." Setting aside the question of how construction of six buildings, parking, roadways and related infrastructure in and adjacent to wetlands will "improve" the resource, how else should functioning wetlands appear, other than "wild"? As for the property being "illegally dumped on for years," one might ask why the Arlington Land Realty Trust - owner of the property since 2009 and an entity related to the Applicant - allowed the property to accumulate refuse, as depicted in the photographs submitted. Based upon the condition of the wetland resources, it appears as if there have been and continue to be, violations of the Wetlands Protection Act and the Arlington Wetlands Bylaw. The Town reserves all rights to pursue enforcement of these apparent violations before the Department of Environmental Protection and the Courts.

estimate has not been confirmed, nor has the presence of additional wetland resources protected under the Act or Bylaw been ruled out. Further, the Applicant's estimate fails to take into consideration resources protected under Arlington's Wetlands Bylaw and Zoning Bylaw. Even using the Applicant's figure of 11.5 acres of wetlands on the property, this leaves a buildable area of 5.6 acres, into which the Applicant proposes to cram 219 units in six buildings, required parking, related construction and extensive site clearing and grading. The constraints imposed by the predominance of wetlands on the site—including well documented flood hazard zones—necessitates a crowding of buildings, roadways, parking, and infrastructure onto a small portion of upland, virtually covering it with impervious surface. In fact, the project plans illustrate that the proposed project cannot even be wedged into the upland area of the property. Portions of several buildings are located in resource areas and in buffer zones and the project will require the filling of wetlands in a manner and quantity the Applicant has failed to disclose. The agency cannot possibly conclude that “the conceptual project design is generally appropriate for the site on which it is located . . .” See 760 CMR 56.04(4)(c).

Further, the Applicant has requested waiver of provisions in the Arlington Wetlands Bylaw and Zoning Bylaw, including those pertaining to the Inland Wetland District, a resource area located on the property. Simply put, the project cannot be built without destruction of a significant resource area protected under the Bylaw, *even if* the project could be constructed in conformance with the Wetlands Protection Act⁶.

Waiver is sought from the Bylaw's prohibition on new habitable structures in the Inland Wetlands District, and from the prohibition on earthwork in the District. Again, the project cannot be built without destruction of a significant resource area protected under the Bylaw. The Applicant provides no assessment or even acknowledgment of the negative impacts on this protected resource area. In fact, the Applicant is so dismissive of the Bylaw's protection of the Inland Wetland District that it has not bothered to indicate its boundaries on the project plans submitted. Without information regarding the Inland Wetland District and the impacts of the proposed project on this resource, MassHousing is in no position to approve site eligibility. In fact, MassHousing is in no position to evaluate site eligibility. It would be against basic tenants of public policy, let alone common sense, for MassHousing to approve an application for project eligibility approval where the applicant freely admitted to the Board of Selectmen on August 12, 2015 that it has no idea—none—whether the undisputed extent of wetland resources on the locus make constructing the project possible. The Town's engineering and wetlands consultant has informed the Board that they question “the ability of the Site to accommodate the project”. We logically ask, therefore, how MassHousing could issue project eligibility approval where the applicant itself has provided no information upon which site eligibility can be evaluated. Approval must accordingly be denied.

⁶ There is no indication—none—that the project can be constructed in compliance with the federal Clean Water Act or the Commonwealth's Wetland Protection Act.

The Applicant seeks numerous waivers from other provisions of the Zoning and Wetlands Bylaws and Wetlands Regulations - for example, from requirements regarding compensatory flood storage; from environmental design review (on the grounds that the ENF "will provide the same level of review and comment" - a falsity); and, generally, "a waiver to forgo full compliance with the Arlington Wetlands Bylaw." Arlington's Wetlands Bylaw and Regulations are the result of a careful process of resource evaluation, and comprise a rational scheme to protect wetland resources of great value to the locus, neighborhood, Town and region. The proposed project makes no attempt to comply with such rational requirements - in fact, the Applicant presumes their irrelevance. G.L. c. 40B allows the possible relaxation of certain local requirements where "consistent with local needs," but nowhere in the law is found support for ignoring such regulations wholesale.

Further, and as the Applicant has observed, the site lies in a Flood Zone and both the project parcel and adjacent properties are subject to flooding. Any normative review of these facts would result in a conclusion that intensive development of the site proposed is inappropriate. Even the review performed pursuant to 760 CMR 56.04 should result in such finding, where it is beyond debate that construction in such areas poses a threat not only to such construction but also to adjacent properties. For this reason, MassHousing should deny project eligibility approval as the proposed project cannot comport with the requirements of 760 CMR 56.04(4)(c) ("that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns.")

6. The proposed development is entirely inconsistent with Arlington's Comprehensive Plan

Arlington has an extensive history of master planning for growth and development through a robust public process, culminating most recently in the update of the Town's Comprehensive Plan. The Comprehensive Plan balances residential and commercial growth with preservation of natural resources and open space, according to sound planning principles and in consideration of Arlington's existing development patterns. Even the Housing Appeals Committee has recognized the legitimacy of such planning efforts. See 28 Clay Street v. Middleborough Board of Appeals, No. 08-06, September 28, 2009.

The Comprehensive Plan designates certain areas of Arlington appropriate for increased or intensive housing development. The proposed site is decidedly not one of them. The proposed site is not located within or near an existing area of concentrated development, nor is it within or near any area designated in the Comprehensive Plan as appropriate for future concentrated development. To the contrary, it is a parcel located significantly distant from any commercial activity. This is directly *contrary* to numerous goals and strategies of the Comprehensive Plan, including but not limited to: the promotion

of concentrated development, the reuse and revitalization of existing buildings, the creation of transit-oriented development and the promotion of walkable development⁷.

Although MassHousing is no more a planning agency than the Housing Appeals Committee, surely the agency recognizes that consistency with a municipal comprehensive plan is a means to measure a project's compliance with 760 CMR 56.04(4)(c): "that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns." Inconsistent with Arlington's Comprehensive Plan, this project fails such measure and the Application must be denied.

7. The Project fails to comply with Arlington's Housing Plan

Arlington also has an extensive history of planning for, encouraging, and producing affordable housing. Its most recent Housing Plan contains goals and strategies for the development of affordable housing for particular populations whose needs have been documented in a housing study.

The proposed project meets none of these goals. Inconsistent with Arlington's Housing Plan, this project fails the measure of 760 CMR 56.04(4)(c) and the Application must be denied.

8. The proposed project violates the Town's Open Space Plan

As part of its master planning process, the Town has developed an Open Space Plan to balance its expected growth, development, and intensified built environment.⁸ As a substantially built-out community, Arlington has limited opportunities to preserve the open space that is vital to communities - a value that even G.L. c. 40B recognizes as significant. See G.L. c. 40B, s. 21 (including, as a component of consistency with local needs, "the need to . . . preserve open spaces").

For decades, both the Commonwealth and the Town have identified the proposed project site as a priority parcel for acquisition due to its unusually high value as an environmental resource within the greater Boston metropolitan area.

⁷ Contrary to any suggestion by the Applicant, this is an entirely car-oriented development. It is located adjacent to Route 2 and is not walkable to stores, restaurants, or services.

⁸ The Open Space Plan has been adopted and endorsed by both the Conservation Commission and Planning Board entitling the Plan to various presumptions found in 760 CMR 56.00 et seq.

The proposed project entails the crowding of buildings, parking, and related development at the front of the parcel; the filling of state jurisdictional wetlands; and the obliteration of locally-protected wetlands. Further, it proposes a virtual wall of buildings - four stories and fifty feet in height - across the entire frontage of the parcel. Together with its location remote from existing development, the project manages to speak negatively to *every factor* MassHousing purports to consider in the site approval process. See 760 CMR 56.04(4)(c) ("that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include *proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns*") (emphasis supplied).

9. The proposed development is wholly out of character with its neighborhood with respect to density, scale, massing and height of buildings

Adjacent to the project site is a neighborhood of single-family homes. The Applicant proposes a 219-unit project on a buildable parcel of five or so acres, yielding a density, by the Applicant's estimation, 43.8 units per acre. This density is entirely out of character with the adjacent single-family neighborhood, with no context or justification other than maximizing developer profit. There are areas of Arlington with existing dense development, or targeted by the Town for such dense development. The project site is not one of them.

There are no large-scale residential or commercial buildings proximate to the upland portion of the site. The project introduces into the existing single-family neighborhood massive, wall-like buildings that are also wholly out of scale and character with the adjacent homes and streetscape. The two main buildings—with a design reminiscent of Cold War Berlin—stretch across the width of the property, near its frontage, to a height of fifty-three (53) feet. That several townhomes are proposed in front of a portion of the fifty-three foot buildings does not mitigate the visual impact of the larger buildings. The massing, scale and height of these buildings dwarf neighboring residences and wall off the wetlands area behind the project.

Unless MassHousing has concluded that the character and fabric of existing neighborhoods are irrelevant; that visual impacts on a streetscape and neighboring residences are irrelevant - in short, that the context of a proposed project may be ignored in its entirety - this Application must be denied. See 760 CMR 56.04(4)(c) ("that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, *conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns*") (emphasis supplied).

10. The proposed development will generate traffic far in excess of what its location can sustain

The project site is constrained by Route 2 along one side and Town-owned land along part of another. All ingress and egress from the project site will be to the local road network that currently serves the surrounding single-family neighborhood. This road network does not have the capacity - nor can it be improved to have the capacity - for the hundreds of car trips to be generated daily by this project.

The Application should be denied where it is clearly not "generally appropriate" for the site.

11. The Project Scores Zero (0) on MassHousing's Smart Growth Criteria Scorecard.

Contrary to the Applicant's claims, this project does not represent "Sustainable Development." Instead, it fails to meet each of MassHousing's "Smart Growth Criteria," which incorporate the Commonwealth's "Sustainable Development Principles."

- The project does not "contribute to revitalization of town center"
- The project does not "preserve and reuse" historic structures;
- The project does not have a "letter of support from the Chief Elected Official";
- The project cannot be said to "concentrate development" - unless by "concentrate" is meant "*cover the entire upland area and portions of wetlands with buildings, parking lots and infrastructure*";
- The project does not "restore and enhance the environment";
- The project is not "fair"; it does not "improve the neighborhood" or include a "concerted public participation effort";
- The project does not "conserve resources";
- The project provides few realistic "transportation choice[s]"; contrary to the Applicant's suggestion, the site is not walkable to the Red Line; the project is isolated from commerce and car-dependent; and a bike trail is not a realistic year-round transit option
- The project does not "increase job opportunities";
- The project does not "foster sustainable businesses"; and
- The project does not "plan regionally".

With a score of zero (0) on MassHousing's own "Scorecard," we assume that the agency cannot but reject this Application. If approval is granted notwithstanding the project's failure to conform to the criteria, we ask why MassHousing bothers to have criteria at all.

12. The Applicant has failed to provide a complete application

The Applicant has failed to include with its application a number of required documents and information. The following is just a sampling:

- The Applicant has declined to provide a Marketing Study, stating that it available only on request. This is a requirement of the Application.
- The Applicant has declined to provide a Flood Insurance Rate Map for the project site . This is a requirement of the Application.
- The Applicant has failed to provide an Existing Conditions plan stamped by a registered engineer. This is a requirement of the Application. Instead, for an Existing Conditions Plan, the Applicant has submitted an unstamped plan bearing the notation: "This document is provided by Borrego Solar Systems Inc. to facilitate the sale and installation of a solar power system from Borrego Solar Systems Inc. Reproduction, release, or utilization for any other purpose without prior written consent is strictly prohibited."
- The Applicant has failed to identify the 40B projects in which consultant SEB "has had an interest," including information as to whether such projects have been constructed and whether cost certification has been conducted. The Applicant states only that "Consultant SEB/has many years/40B experience"; the brochure-type addendum on SEB provides no further information, although it does have a photograph containing a dog.⁹
- The Applicant has failed to explain the status of the twelve for-sale townhouse units proposed. This Application is ostensibly for approval of a 219-unit rental project. Yet there is a hand-scrawled note - "Addendum to Rental Application - Twelve Townhomes for Sale" - on an unnumbered page after p. 29. This component of the project appears to have its own budget - including *a separate land acquisition cost of \$1,000,000*. There is no effort to explain how the budget for this 12-unit ownership project

⁹ It is not disputed that SEB generally, and Robert Engler in particular, have been involved in hundreds of 40B projects over many decades and that James Stockard, a former partner of SEB, is a member of the Housing Appeals Committee. The point is that the Application requires detailed information on the experience of all "team members," which the Applicant asserts SEB to be and precisely how SEB was introduced to the Board of Selectmen during the applicant's minimal presentation on August 12, 2015.

relates to the budget for the rental project. In fact, it is unclear whether the 12 townhouses are part of the 40B project.

- As noted above, the Applicant has failed to provide a NEF lender letter. This is a requirement of the Application.
- As noted above, the Applicant has failed to provide evidence that the Applicant, Arlington Land Realty, LLC has site control. This is a requirement of the Application.

For all the reasons noted above, we see no rational means of MassHousing issuing a project eligibility letter for the proposed project. Assuming *arguendo* that MassHousing is willing to ignore its own regulations, policies and normative guidelines for land development and issue a project eligibility letter for this proposal, we request that the following minimum conditions be imposed:

1. The Applicant should be required to provide evidence that has site control and a NEF member bank lender;
2. The Applicant should be required to provide evidence that the land's value *and purchase price* equals \$4,100,00 as stated in its development budget, and otherwise complies with MassHousing's Land Acquisition Value Policy;
3. The applicant should be required to submit supporting documentation for its development budget, and submit a revised pro forma without inclusion of contingency costs or unidentified "other" costs;
4. The Applicant should be required to submit a revised project application consistent with the Town's Comprehensive Plan and Housing Plan;
5. The Applicant should be required to submit a revised project application with a proposed density, scale, massing and height consistent with the context of the project site;
6. The Applicant should be required to submit a revised project application that both indicates the boundaries of the Inland Wetland Resource areas and demonstrates that the project can be constructed consistent with the Arlington Wetlands Bylaw and relevant provisions of the Zoning Bylaw;
7. The Applicant should be required to submit a revised project application that is consistent with the MassHousing's "Smart Growth Criteria"
8. The applicant should be informed that the Town of Arlington will not grant wholesale waivers from local regulations designed to protect wetland resources or those designed to protect public health and safety.

9. The applicant should be informed that the Town of Arlington has achieved the “1.5% safe harbor” provision of the relevant regulations (760 CMR 56.00 et seq.) and that the Board of Appeals will have the lawful ability of invoking the same should an application for a comprehensive permit be submitted for this project.

Conclusion

During the Applicant’s cursory presentation before the Board of Selectmen on August 12, 2015, it was apparent that neither the applicant nor its consultants have any understanding of the extent to which wetland resource areas dominate the locus or limitations such dominance has upon locus’ development potential.

Similarly, it was clear that the Applicant has no understanding of the celebrated traffic and flooding issues surrounding the locus and immediate neighborhood. Any first year planning student, any credible developer and any competent site designer knows that developing a site requires as a first—*not as a final step*—the determination of a site’s constraints and limitations. Outrageously, in this case, the Applicant has done the opposite. They have proposed a massive project first—without even a rudimentary evaluation of the site’s constraints—and now seek local, state and federal endorsement of the same and its attendant drain of taxpayer resources.

Having been lectured to by the Applicant and its agents as to how the proposed plans are “preliminary” and “details will be provided during the Board of Appeals process”, we ask MassHousing to prevent any further waste of public and private dollars and the potential destruction of a parcel of land agencies of the Commonwealth have long ago recognized as unique and deserving of perpetual protection.

We know, that MassHousing knows, that once a project eligibility letter is issued, the Applicant has little incentive to work with the host community and little incentive to do anything but wait out the hearing process for a chance to appear before the Housing Appeals Committee. We have little doubt that such a harsh and sad conclusion is accurate in the present case. MassHousing has an opportunity to end this process now for this ill fated and wholly inappropriate project.

We ask that MassHousing reject this application as the agency must—it violates every requirement, policy and standard the agency has established. Granting project eligibility approval for this project would make clear to the Commonwealth’s 351 cities and towns that no project eligibility application would ever be bad enough to warrant disapproval.

On behalf of the Board of Selectmen of the Town of Arlington, please let me know if you have any questions or would like additional support for any of the comments made above. They are made with utmost seriousness.

Thomas Gleason
August 18, 2015
Page 15 of 15

Very truly yours,

On behalf of the Arlington Board of Selectmen as its Chairman,

cc: (Legislative Delegation)

August 18, 2015

Thomas Gleason,
Executive Director
MassHousing
One Beacon Street
Boston, MA 02108

RE: "Thorndike Place," Arlington, MA

Dear Executive Director Gleason:

Please accept this letter on behalf of the Board of Selectmen ("Selectmen") of the Town of Arlington ("Arlington") in reference to the application for project eligibility/site approval submitted to MassHousing by Arlington Land Realty, LLC (the "Applicant") for a development of two hundred and nineteen (219) units off of Dorothy Road in Arlington, Massachusetts ("Development"). For the reasons set forth in detail below, the Board of Selectmen respectfully advises that the Applicant's request for project eligibility/site approval cannot be granted under the standard of review employed by MassHousing. Accordingly the Board urges MassHousing to deny the Applicant's request for project eligibility/site approval.

In summary, our recommendation is based on our review of the Application, our personal knowledge of the locus and the immediate neighborhood, including the history of the site; of relevant environmental and infrastructural constraints; and of Arlington's robust and documented planning for affordable housing and growth management to reach two conclusions:

First, the Application fails to satisfy threshold requirements and policies of MassHousing designed to protect the public's interest and properly promote affordable housing. Second, and most importantly, the Application fails to address substantive issues particular to the site in a manner that would give this Board any confidence of the appropriateness of this project. As articulated by an Arlington resident who had expressed she had an "open mind" at the outset of a public meeting on same, presenting the "bare minimum" to MassHousing, this Board, and the public is not sufficient or acceptable given the very real and demonstrated threats to public health and safety posed by the proposed project.

As we discuss in detail below, while this Board appreciates the Applicant's efforts to present this project to us, and indeed we support the development of further affordable housing in Arlington, there is no rational support for issuing project eligibility approval for this project at this location given both threshold technical and substantive deficiencies readily apparent. Therefore, we urge MassHousing to deny the application.

History of the Thorndike Place Site

As an initial matter, the Selectmen believe it important for MassHousing to understand the character and history of the site in question. (A detailed timeline of the Town's records of ownership and use of the site is annexed hereto as Attachment "A"). The Mugar family initially acquired 17.7 acres of land in the early 1950s with the intention of building a Star Market. At the outset, the Mugar family promised they would not develop the site with access through the residential streets abutting the property. Following the reconstruction of Route 2 in the 1960s, the Mugar family sought and were granted several zoning changes and special permits for various projects to develop the site over the thirty years that followed (a 20-story apartment building with 5-story office building, a 325,000 square foot office complex, and a 17-lot single family residential plan in 1990), all of which were eventually abandoned.

In 1992 the Metropolitan District Commission ("MDC") Land Acquisition Program ranked the site as the 12th highest priority acquisition target for conservation in its 37-municipality service area. See MDC Conservation Target Acquisition Letter, annexed hereto as Attachment "B-1." The Mugar family continued to explore development options, but Arlington began working to find means of acquiring the site for such conservation and open space purposes. Eventually, Arlington's 2000 Town Meeting voted to negotiate the purchase of the land (and again to "protect" the site in 2001), but at that same approximate time the Mugar family began forwarding a new proposal for a 300,000 square foot office complex. As with prior efforts to develop the locus, the proposed office complex development was abandoned.

Meanwhile, the MDC (now the Department of Conservation and Recreation) continued to stress the Thorndike site's priority for protection, noting in an October 19, 2000 letter to the Executive Office of Environmental Affairs that the site was one of the most significant undeveloped open spaces in the Boston Metropolitan area. See MDC-EOEA Letter annexed hereto as Attachment "B-2." Following receipt of the instant application, Arlington confirmed with the Department of Conservation and Recreation that the site was and is identified as a priority for protection and preservation. See July 21, 2015 Letter of DCR Commissioner Sanchez annexed hereto as Attachment "B-3." Protection of the locus is not a new idea, nor borne out of reaction to the current proposal. For over fifteen years, the Town, the Arlington Land Trust, and the Trust for Public Land have made good faith and credible offers to purchase the site.

Similarly, the Town has expended considerable time and resources developing both a Master Plan and Open Space Plan, which both codify the Town's decades-long position that the site in question must be conserved and preserved as flood-prone open space. As such, whenever the present developer approached Town officials about developing the site, they were encouraged instead to look at other sites to redevelop in Arlington, especially the former Symmes Hospital site which was fully permitted and available for a number of years.

The history between the Town and various parties seeking development of the site has never reflected a lack of respect for the Mugar family nor opposition to development, including affordable housing in Arlington. Quite the contrary. Throughout the Fifties, Sixties, and Seventies, the Town largely supported the Mugar's designs. However, as evidenced by the Commonwealth's own determinations relating to this site as far back as 1992, much has been learned about conservation and environmentally sustainable, smart, and appropriate municipal planning and development. As discussed in detail below, the proposed project for this locus is anything but sustainable, smart or appropriate and we trust that MassHousing will reject the application for project eligibility approval now, before additional private and public resources are expended.

1. The development does not qualify for the program under which it has applied, nor does it have any eligible federal or state subsidy as required under GL. c. 40B

The Applicant has ostensibly filed an "Application for Chapter 40B Project Eligibility/Site Approval for MassHousing-Financed and New England Fund (NEF) Rental Projects." On the Application Checklist, the Applicant has checked the box indicating that it has submitted an "NEF Lender Letter of Interest." Such submission is required under Section 5.1 of the Application, which calls for a "letter of interest from a current Federal Home Loan Bank of Boston (FHLBB) member bank," containing "confirmation that the Bank is a current FHLBB member bank and will specifically use NEF funds for the proposed development."

There is no letter of interest from a current FHLBB member bank confirming that NEF funds will be used for the project. Instead, there is a letter from TD Bank *explicitly stating that it is not an NEF member bank*. Where the Applicant has not submitted even the fig leaf of a federal subsidy that is an NEF letter - while baldly asserting that it has - MassHousing should conduct no further review of Application. Certainly no approval of this Application can be forthcoming where - as clearly stated on the application form - "[i]n order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the Proposed Project is . . . fundable under the applicable program."

The Applicant has submitted no evidence of any other federal or state subsidy, without which the project does not qualify for *any* approval by MassHousing. The Application should be denied on this ground alone.

2. The Applicant has failed to submit evidence of Site Control and accordingly is ineligible for any approval

As a second threshold deficiency for project eligibility/site approval, the Applicant also failed to demonstrate site control. Absent evidence of site control, MassHousing should deny further review of the Application, and certainly cannot grant approval.

In Section 4, the Applicant has checked the box indicating that the project site is “Owned (or ground leased) by the Development Entity or Applicant.”¹ The Applicant is Arlington Land Realty, LLC. There is no documentation of the claim that Arlington Land Realty, LLC owns (or has a ground lease for) the project site, or otherwise has the requisite site control.

The Applicant has attached a 2009 deed into the Arlington Land Realty Trust (consideration: \$10.00). The Applicant attaches no deed, option, or purchase and sale agreement purporting to convey the project site to the Applicant, Arlington Land Realty, LLC.

Under the application section for “Deeds or Ground Leases,” the Applicant provides only the following information: “November 12, 2009 - transfer to LLC May 19, 2015,” and a purchase price of \$1,500,000. Again, there is no *evidence* of any transfer of the project site into the Applicant - perhaps the “LLC” referenced above - on May 19, 2015, also the date of the Application to MassHousing. Nor is there any documentation to support the \$1,500,000 purchase price referenced with respect to the May 15, 2015 “transfer.” Further, to the extent the Applicant is attempting to pass off the deed into the Arlington Land Realty Trust as evidence of site control, the Applicant has failed to submit “copies of all plans referenced” in the deed, as explicitly required in the application. The Applicant's claim to “ownership” of “the entire site as shown on the site layout plans” is thus wholly unsupported.

The Selectmen are aware of the low evidentiary bar applied by MassHousing during the project eligibility/site approval process. Yet we assume that a *notation on the application itself* stating “transfer to LLC May 19, 2015” cannot possibly suffice as evidence that the Applicant has site control. The fact that the entities are reported as related does not obviate the need for some such evidence. Hence, as there is no support in the Application for a finding that the Applicant controls the site, as required by 760 CRM 56.04 (4), the Application must be denied.

¹ Confusingly, the Applicant has indicated that the terms “Grantor/Seller” and “Grantee/Buyer” are “N/A,” or not applicable, but has checked the box indicating that the “Grantee/Buyer” is the “Developer Entity.” In the section for Purchase and Sale Agreements or Option Agreement, the Applicant has identified the Grantor/Seller as Arlington Land Realty Trust, and the Grantee/Buyer as Arlington Land Realty LLC, but has also indicated that the terms Grantor/Seller and Grantee/Buyer are “N/A.” There either exists a Grantor/Seller and a Grantee/Buyer, or there does not; there exists either a deed, or a purchase and sale agreement - or perhaps neither - but there should be a single answer.

3. The Application on its face violates MassHousing's Land Acquisition Value policy

As noted above, the Applicant has stated a purchase price for the project site of \$1,500,000. See Section 4 of the Application, "Site Control." Elsewhere in the Application - see Section 5, "Financial Information" - the Applicant indicated a site acquisition cost of \$4,100,000.00. The Applicant provides the figure of \$4,100,000 not only as the "pre-permit land value" - unsupported by any appraisal - but also as the "Actual Acquisition Cost" - that is, the amount the Applicant *in fact* has paid, or will pay for the property.² See p. 14-15 (emphasis supplied). There are no documents supporting the assertion that the Applicant has paid, or will pay \$4,100,000 for the project locus.

The Applicant's claim to a totally fictitious site acquisition cost violates MassHousing's Land Acquisition Value policy. Further, it calls into question the validity of other pro forma values provided by the Applicant, and prevents MassHousing from making the required findings that the project is "financially feasible" and "consistent with Chapter 40B Guidelines." As MassHousing is aware, a fictitious and inflated land valuation (in addition to being a possible violation of federal and state law) was grounds for the agency's withdrawal of a site approval letter for a comprehensive permit project in Sharon. In this case, the agency is aware of the Applicant's inflated land value *prior* to issuing any approval, and should deny the application outright based on this misrepresentation.

4. The Initial Capital Budget contains unsupported and contrived costs that serve to disguise the true costs of the project and profit to the developer

As a related threshold matter, the Initial Capital Budget provided by the Applicant includes vague and unexplained expenses, which intentional or not, serve to obscure the true costs of the project, and the profit to the developer. The hard costs portion of the pro forma include a \$2,203,440.00 contingency, and an additional \$2,250,000.00 for unidentified "Unusual Site Conditions/Other Site Work (fully half of the site work cost). The soft costs portion of the pro forma contains a \$295,000.00 contingency; \$42,000.00 in unidentified "costs to others"; and an *additional* \$1,540,922.00 in unidentified "other development soft costs."³

² Again, there being no documentation of the alleged transfer to the Applicant, it is unknown when such transaction has occurred or will occur.

³ To the extent the Applicant's explanation for hard costs in particular is rooted in concerns about unknown "unusual" site conditions rather than ambiguous budgeting, this Board is made only that much more concerned that the site is substantively inappropriate for a development of this scale. At our August 12, 2015 Meeting with the Applicant Selectman Byrne inquired as what such costs represent, and the Applicant responded that they would not discuss it at this time.

Simply stated, this Board suggests that contingency costs within a comprehensive permit pro forma are nothing other than a means to increase the project's costs on paper, so as to justify an increased number of units "needed" for the project to be financially feasible. The same is true of unidentified "other site work," "other costs," and "costs to others." In this case, the pro forma's contingency and unidentified costs including a total \$4,306,362 serve no more than to disguise developer profits for which comprehensive permit projects are renowned.⁴ In sum, where the Application at best reflects a lack of transparency on site control, land valuation, and budgeting, the Board trusts that MassHousing can appreciate that each these threshold deficiencies individually and collectively merit denial of this Application.

5. The proposed development is ill-suited to the project site, which is comprised largely of unbuildable wetlands and is located in a Flood Hazard Zone

According to the Applicant, the total area of the project site is 17.7 acres. Of this total area, the Applicant states that 11.5 acres, plus or minus, are wetlands.⁵ The Applicant indicates that the wetland resources are "BVW/BLSF" - Bordering Vegetated Wetlands and Bordering Land Subject to Flooding, but as no application has been made to the Arlington Conservation Commission for a delineation or Order of Conditions under the Wetlands Protection Act or the Arlington Wetlands Bylaw, the accuracy of the Applicant's

⁴ As MassHousing is aware, any profit in excess of that allowed by the subsidy program is required to be returned to the municipality, not retained by the developer. The Selectmen are advised that the Town of Grafton was recently successful in settling a \$54M lawsuit regarding the retention of excess profits from a developer in a NEF project. Without suggesting any inappropriate involvement on its part, we note that the 40B consulting firm on that project prepared the instant Application, highlighting that even if MassHousing considers these pro formas standard practice in the past, such vague budgeting at the outset present real dangers for mismanagement with weighty consequences.

⁵ The Applicant appears to have no understanding of the function or value of wetland resources and insults the residents of Arlington—and the citizens of the Commonwealth—regarding their concerns for the protection of the same. The Applicant describes the site as "wild, unkempt, and illegally dumped on for years" and promises that "the proposed project greatly improves site conditions." Setting aside the question of how construction of six buildings, parking, roadways and related infrastructure in and adjacent to wetlands will "improve" the resource, how else should functioning wetlands appear, other than "wild"? As for the property being "illegally dumped on for years," one might ask why the Arlington Land Realty Trust - owner of the property since 2009 and an entity related to the Applicant - allowed the property to accumulate refuse, as depicted in the photographs submitted. Based upon the condition of the wetland resources, it appears as if there have been and continue to be, violations of the Wetlands Protection Act and the Arlington Wetlands Bylaw. The Town reserves all rights to pursue enforcement of these apparent violations before the Department of Environmental Protection and the Courts.

estimate has not been confirmed, nor has the presence of additional wetland resources protected under the Act or Bylaw been ruled out. Further, the Applicant's estimate fails to take into consideration resources protected under Arlington's Wetlands Bylaw and Zoning Bylaw. Even using the Applicant's figure of 11.5 acres of wetlands on the property, this leaves a buildable area of 5.6 acres, into which the Applicant proposes to cram 219 units in six buildings, required parking, related construction and extensive site clearing and grading. The constraints imposed by the predominance of wetlands on the site—including well documented flood hazard zones—necessitates a crowding of buildings, roadways, parking, and infrastructure onto a small portion of upland, virtually covering it with impervious surface. In fact, the project plans illustrate that the proposed project cannot even be wedged into the upland area of the property. Portions of several buildings are located in resource areas and in buffer zones and the project will require the filling of wetlands in a manner and quantity the Applicant has failed to disclose. The agency cannot possibly conclude that “the conceptual project design is generally appropriate for the site on which it is located . . .” See 760 CMR 56.04(4)(c).

Further, the Applicant has requested waiver of provisions in the Arlington Wetlands Bylaw and Zoning Bylaw, including those pertaining to the Inland Wetland District, a resource area located on the property. Simply put, the project cannot be built without destruction of a significant resource area protected under the Bylaw, *even if* the project could be constructed in conformance with the Wetlands Protection Act⁶.

Waiver is sought from the Bylaw's prohibition on new habitable structures in the Inland Wetlands District, and from the prohibition on earthwork in the District. Again, the project cannot be built without destruction of a significant resource area protected under the Bylaw. The Applicant provides no assessment or even acknowledgment of the negative impacts on this protected resource area. In fact, the Applicant is so dismissive of the Bylaw's protection of the Inland Wetland District that it has not bothered to indicate its boundaries on the project plans submitted. Without information regarding the Inland Wetland District and the impacts of the proposed project on this resource, MassHousing is in no position to approve site eligibility. In fact, MassHousing is in no position to evaluate site eligibility. It would be against basic tenets of public policy, let alone common sense, for MassHousing to approve an application for project eligibility approval where the applicant freely admitted to the Board of Selectmen on August 12, 2015 that it has no idea—none—whether the undisputed extent of wetland resources on the locus make constructing the project possible. The Town's engineering and wetlands consultant has informed the Board that they question “the ability of the Site to accommodate the project”. We logically ask, therefore, how MassHousing could issue project eligibility approval

⁶ The applicant has provided no information—none—that the project can be constructed in compliance with the federal Clean Water Act or the Commonwealth's Wetland Protection Act and based upon our knowledge of the immediate and surrounding land areas, we believe that the project is not able to so comply.

where the applicant itself has provided no information upon which site eligibility can be evaluated. Approval must accordingly be denied.

The Applicant seeks numerous waivers from other provisions of the Zoning and Wetlands Bylaws and Wetlands Regulations - for example, from requirements regarding compensatory flood storage; from environmental design review (on the grounds that the ENF "will provide the same level of review and comment" - a falsity); and, generally, "a waiver to forgo full compliance with the Arlington Wetlands Bylaw." Arlington's Wetlands Bylaw and Regulations are the result of a careful process of resource evaluation, and comprise a rational scheme to protect wetland resources of great value to the locus, neighborhood, Town and region. The proposed project makes no attempt to comply with such rational requirements - in fact, the Applicant presumes their irrelevance. G.L. c. 40B allows the possible relaxation of certain local requirements where "consistent with local needs," but nowhere in the law is found support for ignoring such regulations wholesale.

Further, and as the Applicant has observed, the site lies in a Flood Zone and both the project parcel and adjacent properties are subject to flooding. Any normative review of these facts would result in a conclusion that intensive development of the site proposed is inappropriate. Even the review performed pursuant to 760 CMR 56.04 should result in such finding, where it is beyond debate that construction in such areas poses a threat not only to such construction but also to adjacent properties. For this reason, MassHousing should deny project eligibility approval as the proposed project cannot comport with the requirements of 760 CMR 56.04(4)(c) ("that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns.")

6. The proposed development is entirely inconsistent with Arlington's Comprehensive Plan

Arlington has an extensive history of master planning for growth and development through a robust public process, culminating most recently in the update of the Town's Comprehensive Plan. The Comprehensive Plan balances residential and commercial growth with preservation of natural resources and open space, according to sound planning principles and in consideration of Arlington's existing development patterns. Even the Housing Appeals Committee has recognized the legitimacy of such planning efforts. See 28 Clay Street v. Middleborough Board of Appeals, No. 08-06, September 28, 2009.

The Comprehensive Plan designates certain areas of Arlington appropriate for increased or intensive housing development. The proposed site is decidedly not one of them. The proposed site is not located within or near an existing area of concentrated development, nor is it within or near any area designated in the Comprehensive Plan as appropriate for future concentrated development. To the contrary, it is a parcel located significantly distant from any commercial activity. This is directly *contrary* to numerous goals and strategies of the Comprehensive Plan, including but not limited to: the promotion

of concentrated development, the reuse and revitalization of existing buildings, the creation of transit-oriented development and the promotion of walkable development⁷.

Although MassHousing is not a planning agency, surely the agency recognizes that consistency with a municipal comprehensive plan is a means to measure a project's compliance with 760 CMR 56.04(4)(c): "that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns." Inconsistent with Arlington's Comprehensive Plan, this project fails such measure and the Application must be denied.

7. The Project fails to comply with Arlington's Housing Plan

Arlington also has an extensive history of planning for, encouraging, and producing affordable housing including historically and currently, supporting the use of the comprehensive permit statute. Its most recent Housing Plan contains goals and strategies for the development of affordable housing for particular populations whose needs have been documented in a housing study.

The proposed project meets none of these goals. Inconsistent with Arlington's Housing Plan, this project fails the measure of 760 CMR 56.04(4)(c) and the Application must be denied.

8. The proposed project violates the Town's Open Space Plan

As part of its master planning process, the Town has developed an Open Space Plan to balance its expected growth, development, and intensified built environment.⁸ As a substantially built-out community, Arlington has limited opportunities to preserve the open space that is vital to communities - a value that even G.L. c. 40B recognizes as significant. See G.L. c. 40B, s. 21 (including, as a component of consistency with local needs, "the need to . . . preserve open spaces").

For decades, both the Commonwealth and the Town have identified the proposed project site as a priority parcel for acquisition due to its unusually high value as an environmental resource within the greater Boston metropolitan area.

⁷ Contrary to any suggestion by the Applicant, this is an entirely car-oriented development. It is located adjacent to Route 2 and is not walkable to stores, restaurants, or services.

⁸ The Open Space Plan has been adopted and endorsed by both the Conservation Commission and Planning Board entitling the Plan to various presumptions found in 760 CMR 56.00 et seq.

The proposed project entails the crowding of buildings, parking, and related development at the front of the parcel; the filling of state jurisdictional wetlands; and the obliteration of locally-protected wetlands. Further, it proposes a virtual wall of buildings - four stories and fifty feet in height - across the entire frontage of the parcel. Together with its location remote from existing development, the project manages to speak negatively to *every factor* MassHousing purports to consider in the site approval process. See 760 CMR 56.04(4)(c) ("that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include *proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns*") (emphasis supplied).

9. The proposed development is wholly out of character with its neighborhood with respect to density, scale, massing and height of buildings

Adjacent to the project site is a neighborhood of single and two family homes. The Applicant proposes a 219-unit project on a buildable parcel of five or so acres, yielding a density, by the Applicant's estimation, of 43.8 units per acre. This density is entirely out of character with the adjacent residential neighborhood, with no context or justification other than maximizing developer profit. There are areas of Arlington with existing dense development, or targeted by the Town for such dense development. The project site is not one of them. Moreover, the density of the neighborhood proposed for this project exceeds the density required by G.L. c.40R, et seq. and, remarkably, 22% of the housing units within the immediate neighborhood are included in the Town's Subsidized Housing Inventory as maintained by the Commonwealth. Adding a 219 unit residential project to this immediate neighborhood is completely inconsistent with one of the most well accepted principles of constructing affordable housing, that is, to ensure even distribution of the same throughout the municipality and not concentrated in any particular neighborhood.

There are no large-scale residential or commercial buildings proximate to the upland portion of the site. The project introduces into the existing single-family neighborhood massive, wall-like buildings that are also wholly out of scale and character with the adjacent homes and streetscape. The two main buildings—with a highly austere design stretch across the width of the property, near its frontage, to a height of fifty-three (53) feet. That several townhomes are proposed in front of a portion of the fifty-three foot buildings does not mitigate the visual impact of the larger buildings. The massing, scale and height of these buildings dwarf neighboring residences and wall off the wetlands area behind the project.

Unless MassHousing has concluded that the character and fabric of existing neighborhoods are irrelevant; that visual impacts on a streetscape and neighboring residences are irrelevant - in short, that the context of a proposed project may be ignored in its entirety - this Application must be denied. See 760 CMR 56.04(4)(c) ("that the conceptual project design is generally appropriate for the site on which it is located, taking

into consideration factors that may include proposed use, *conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns*")(emphasis supplied).

10. The proposed development will generate traffic far in excess of what its location can sustain

The project site is constrained by Route 2 along one side and Town-owned land along part of another. All ingress and egress from the project site will be to the local road network that currently serves the surrounding single-family neighborhood. This road network does not have the capacity - nor can it be improved to have the capacity - for the hundreds of car trips to be generated daily by this project. The road network of this neighborhood is constrained by the simple lack of space for expansion or improvement.

In addition, for decades the Board of Selectment has been asked by neighborhood residents to stop the use of the neighborhood as a “cut-through” between Lake Street and Massachusetts Avenue. It defies common sense to endorse a project in an area that cannot accommodate existing traffic and cannot be conditioned to make needed improvements. As MassHousing should know by its site investigation, there is no traffic engineering improvements that are feasible to safely shoehorn this project into this neighborhood.

The Application should be denied where it is clearly not "generally appropriate" for the site.

11. The Project Scores Zero (0) on MassHousing's Smart Growth Criteria Scorecard.

Contrary to the Applicant's claims, this project does not represent “Sustainable Development.” Instead, it fails to meet each of MassHousing's "Smart Growth Criteria," which incorporate the Commonwealth's "Sustainable Development Principles."

- The project does not “contribute to revitalization of town center”
- The project does not “preserve and reuse” historic structures;
- The project does not have a “letter of support from the Chief Elected Official”;
- The project cannot be said to “concentrate development” - unless by “concentrate” is meant “*cover the entire upland area and portions of wetlands with buildings, parking lots and infrastructure*”;
- The project does not “restore and enhance the environment”;
- The project is not “fair”; it does not “improve the neighborhood” or include a “concerted public participation effort”;

- The project does not “conserve resources”;
- The project provides few realistic "transportation choice[s]”; contrary to the Applicant's suggestion, the site is not walkable to the Red Line; the project is isolated from commerce and car-dependent; and a bike trail is not a realistic year-round transit option
- The project does not “increase job opportunities”;
- The project does not “foster sustainable businesses”; and
- The project does not “plan regionally”.

With a score of zero (0) on MassHousing's own “Scorecard,” we assume that the agency cannot but reject this Application. If approval is granted notwithstanding the project's failure to conform to the criteria, the criteria are effectively rendered meaningless..

12. The Applicant has failed to provide a complete application

The Applicant has failed to include with its application a number of required documents and information. The following is just a sampling:

- The Applicant has declined to provide a Marketing Study, stating that it available only on request. This is a requirement of the Application.
- The Applicant has declined to provide a Flood Insurance Rate Map for the project site . This is a requirement of the Application.
- The Applicant has failed to provide an Existing Conditions plan stamped by a registered engineer. This is a requirement of the Application. Instead, for an Existing Conditions Plan, the Applicant has submitted an unstamped plan bearing the notation: “This document is provided by Borrego Solar Systems Inc. to facilitate the sale and installation of a solar power system from Borrego Solar Systems Inc. Reproduction, release, or utilization for any other purpose without prior written consent is strictly prohibited.”
- The Applicant has failed to identify the 40B projects in which consultant SEB "has had an interest," including information as to whether such projects have been constructed and whether cost certification has been conducted. The Applicant states only that “Consultant SEB/has many

years/40B experience”; the brochure-type addendum on SEB provides no further information, although it does have a photograph containing a dog.⁹

- The Applicant has failed to explain the status of the twelve for-sale townhouse units proposed. This Application is ostensibly for approval of a 219-unit rental project. Yet there is a hand-scrawled note - "Addendum to Rental Application - Twelve Townhomes for Sale" - on an unnumbered page after p. 29. This component of the project appears to have its own budget - including *a separate land acquisition cost of \$1,000,000*. There is no effort to explain how the budget for this 12-unit ownership project relates to the budget for the rental project. In fact, it is unclear whether the 12 townhouses are part of the 40B project.
- As noted above, the Applicant has failed to provide a NEF lender letter. This is a requirement of the Application.
- As noted above, the Applicant has failed to provide evidence that the Applicant, Arlington Land Realty, LLC has site control. This is a requirement of the Application.

For all the reasons noted above, we see no rational means of MassHousing issuing a project eligibility letter for the proposed project. Assuming *arguendo* that MassHousing does not enforce its own regulations, policies and normative guidelines for land development and issue a project eligibility letter for this proposal, we request that the following minimum conditions be imposed:

1. The Applicant should be required to provide evidence that has site control and a NEF member bank lender;
2. The Applicant should be required to provide evidence that the land's value *and purchase price* equals \$4,100,00 as stated in its development budget, and otherwise complies with MassHousing's Land Acquisition Value Policy;
3. The applicant should be required to submit supporting documentation for its development budget, and submit a revised pro forma without inclusion of contingency costs or unidentified "other" costs;

⁹ It is not disputed that SEB generally, and Robert Engler in particular, have been involved in hundreds of 40B projects over many decades and that James Stockard, a former partner of SEB, is a member of the Housing Appeals Committee. The point is that the Application requires detailed information on the experience of all "team members," which the Applicant asserts SEB to be and precisely how SEB was introduced to the Board of Selectmen during the applicant's minimal presentation on August 12, 2015.

4. The Applicant should be required to submit a revised project application consistent with the Town's Comprehensive Plan and Housing Plan;
5. The Applicant should be required to submit a revised project application with a proposed density, scale, massing and height consistent with the context of the project site;
6. The Applicant should be required to submit a revised project application that both indicates the boundaries of the Inland Wetland Resource areas and demonstrates that the project can be constructed consistent with the Arlington Wetlands Bylaw and relevant provisions of the Zoning Bylaw;
7. The Applicant should be required to submit a revised project application that is consistent with the MassHousing's "Smart Growth Criteria"
8. The applicant should be informed that the Town of Arlington will not grant wholesale waivers from local regulations designed to protect wetland resources or those designed to protect public health and safety.
9. The applicant should be informed that the Town of Arlington has achieved the "1.5.% safe harbor" provision of the relevant regulations (760 CMR 56.00 et seq.) and that the Board of Appeals will have the lawful ability of invoking the same should an application for a comprehensive permit be submitted for this project.

Conclusion

During the Applicant's cursory presentation before the Board of Selectmen on August 12, 2015, it was apparent that neither the applicant nor its consultants have any understanding of the extent to which wetland resource areas dominate the locus or limitations such dominance has upon locus' development potential.

Similarly, it was clear that the Applicant has no understanding of the celebrated traffic and flooding issues surrounding the locus and immediate neighborhood. Any first year planning student, any credible developer and any competent site designer knows that developing a site requires as a first—*not as a final step*—the determination of a site's constraints and limitations. Outrageously, in this case, the Applicant has done the opposite. They have proposed a massive project first—without even a rudimentary evaluation of the site's constraints—and now seek local, state and federal endorsement of the same and its attendant drain of taxpayer resources.

Having been lectured to by the Applicant and its agents as to how the proposed plans are "preliminary" and "details will be provided during the Board of Appeals process", we ask MassHousing to prevent any further waste of public and private dollars and the potential destruction of a parcel of land agencies of the Commonwealth have long ago recognized as unique and deserving of perpetual protection.

We know, that MassHousing knows, that once a project eligibility letter is issued, the Applicant has little incentive to work with the host community and little incentive to do anything but wait out the hearing process for a chance to appear before the Housing Appeals Committee. We have little doubt that such a harsh and sad conclusion is accurate in the present case. MassHousing has an opportunity to end this process now for this ill fated and wholly inappropriate project.

We ask that MassHousing reject this application as the agency must—it violates every requirement, policy and standard the agency has established. Granting project eligibility approval for this project would make clear to the Commonwealth's 351 cities and towns that no project eligibility application would ever be bad enough to warrant disapproval.

On behalf of the Board of Selectmen of the Town of Arlington, please let me know if you have any questions or would like additional support for any of the comments made above. They are made with utmost seriousness.

Very truly yours,

On behalf of the Arlington Board of Selectmen as its Chairman,

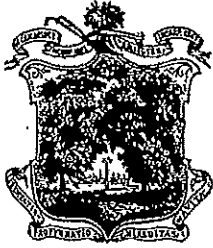
Kevin F. Greeley

cc: Sen. Kenneth J. Donnelly

Rep. Sean Garballey

Rep. David M. Rogers

ATTACHMENT "A"



TOWN OF ARLINGTON

MASSACHUSETTS 02476

781 - 316 - 3090

DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

Mugar Site History: Development and Conservation Time-line

1951 Mugar acquires option to purchase land on Route 2 contingent on zoning change from Residential B to Business A. Mugar's counsel assures the Town that access will not be from neighborhood streets. Town Meeting adopts the zoning amendment, and S. Mugar exercises option; intends to build a Star Market. Development never commences.

1962 Mugar asks for rezoning of <5 acres to add to business zone. Concurrently, the state announces reconstruction of Route 2. The state makes land takings and Town Meeting article is withdrawn.

1970 Mugar proposes to build a 20-story apartment building and 5-story office building. Town votes to rezone to Planned Unit Development, again contingent on Mugar's counsel affirming no access would be from the neighborhood streets, only via Route 2. The re-zoning effectively increases the land value, but development never takes place.

1978 Residents request to rezone from Planned Unit Development back to Residence 2.

1983 owner proposes 325,000 square feet of office space in two buildings with 829 parking spaces; applies for Special Permits from Zoning Board of Appeals and Arlington Redevelopment Board (ARB).

1983 ARB grants special permit contingent on Route 2 access (Docket #2449) 6/29/83. Decision is appealed.

1983 Massachusetts EOTC denies Finard/Mugar 7/14/83 application for a curb-cut on Route 2 between Alewife Brook Parkway and Lake Street, noting the state's plan to acquire land and re-configure Route 2 near Alewife and access roads.

1983 Mass DPW begins Environmental Impact Report for Alewife station access roads.

1988 judgment of dismissal of abutter's appeals 11/23/88.

1990 IEP Inc. prepares a 17-lot single-family residential concept plan for the Mugar Group/Goulston & Storrs based on Arlington's R1 by-right zoning of the site, avoiding resource areas, and assumes >50% of the lot could be deeded to the town for conservation. The owners do not pursue this plan.

1990 ARB Special Permit granted in 1983 expires.

1992 Metropolitan District Commission (MDC) Land Acquisition Program ranks Mugar site 12th highest priority acquisition target for conservation in its 37-municipality service area.

1999 Mugar files Environmental Notification Form.

1999 Town Meeting warrant article is filed to acquire the Mugar Site.

2000 In January, Mugar Enterprises proposes two 5-story office buildings totaling 300,000 square feet of space.

2000 Town Meeting votes to direct the Town to negotiate to acquire the site for conservation and open space.

July 11, 2000 Finard & Co. for Mugar files with the Arlington Conservation Commission an Abbreviated Notice of Resource Area Delineation seeking confirmation of boundaries for wetlands and for the 100-year floodplain.

July 14, 2000 The Town engages the Trust for Public Land to negotiate acquisition/protection of the site with the owner.

August 2000 Finard files an Environmental Notification Form with the state.

October 19, 2000 the MDC--today's Department of Conservation and Recreation-- writes to EOE's MEPA office emphasizing the MDC's high ranking of the Mugar Land among the highest priority unprotected open spaces remaining in the metropolitan region. The state agency ranks Mugar 12th of 205 priority parcels for acquisition.

2000 MEPA certificate directs proponent to conduct analysis for full Environmental Impact Report, including "no-build" scenario, directing proponent to meet performance standards of "no-build" conditions.

2001 Finard submits additional material to the Conservation Commission supporting Finard's proposed determination of the 100 year flood elevation at the property location. The Conservation Commission in July 2001 issues a decision that does not accept the Mugar determination of the floodplain boundary, but accepts delineation of wetlands. Mugar appeals the Conservation Commission's decision to Superior Court. Superior Court in September 2002 agrees with the Conservation Commission. Mugar's appeal Superior Court decision to the Massachusetts Appeals Court.

2001 Town Meeting again votes to protect the site.

2002 Army Corps of Engineers includes Mugar parcel in proposed feasibility study of restoration of degraded wetlands.

2002 Selectmen's committee meets with David Mugar, Peter Mugar and David Ting regarding the Town's interest in acquiring the site. Selectmen then write Aug 14, 2002 to David Mugar suggesting a joint appraisal. A written offer with a specific dollar amount is made, which is declined by the Mugar's.

2002 DCR Alewife Reservation/Alewife Brook Master Plan cites hydrological connection of the Mugar parcel to the Reservation.

2003-2009 The Town, the Arlington Land Trust, and the Trust for Public Land continue to reach out to the Mugar's with offers to acquire the land.

2004 Appeals Court upholds Conservation Commission determination that Finard/Mugar's proposed floodplain boundary/elevation was inaccurate.

2009 – Oaktree Development principle Gwendolen Noyes contacts new Director of Planning & Community Development seeking to develop apartments at the Mugar land. The Director explains the Town's long-standing plan and policies to acquire the site for conservation, and instead suggests other Arlington locations better-suited for redevelopment on Massachusetts Avenue, Broadway, and especially the former Symmes Hospital site, which is already permitted for apartments.

2010 David Ting, Financial Officer for Mugar Enterprises, agrees to a price for the Town to acquire the site, and the Town is a candidate for a major wetlands protection grant to pay for it. A written agreement is ready for signature in October. In November 2010 the ballot initiative to repeal MGL Ch 40B is rejected by voters, and the property owner then declines to execute the agreement.

2010 Oaktree Development asks to meet with the Town, during which the Town Manager, Chair of the Board of Selectmen, Director of Planning & Community Development and others clearly repeat the Town's position and decades-long Open Space Plan priority to conserve the flood-prone land. The Town officials encourage Oaktree to instead look at other sites to redevelop in Arlington, especially the former Symmes Hospital site which was fully permitted and available by the bank who held the financing on the project.

2014 Arlington voters adopt the Community Preservation Act (CPA).

2014 Director of Planning & Community Development writes to Mugar Enterprises seeking to discuss acquisition.

February 2015 ARB Adopts Master Plan, including protection of Mugar land.

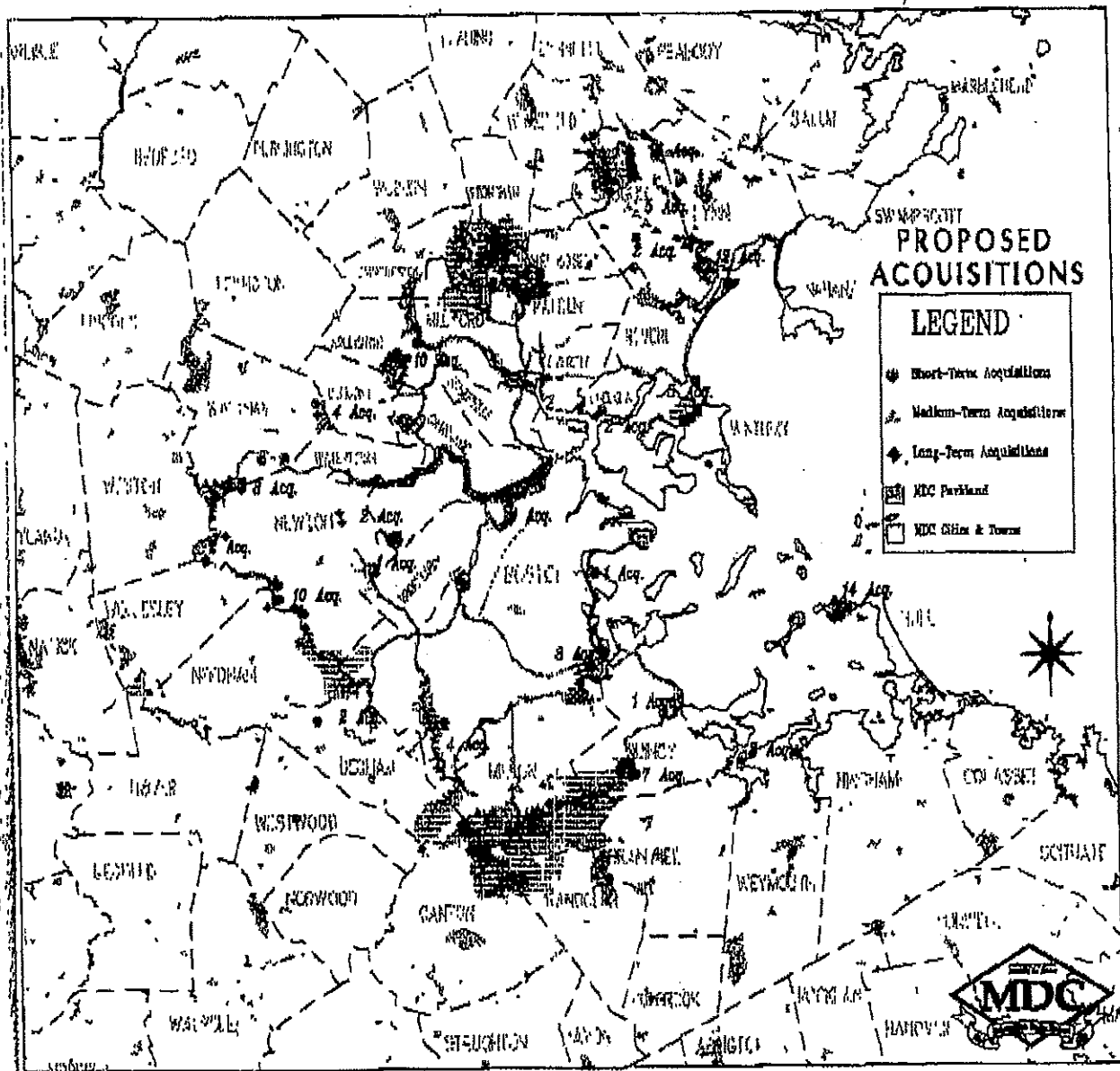
April 2015 ARB adopts updated Open Space & Recreation Plan re-stating the Mugar acquisition priority.

May 11, 2015 Town Meeting endorses Master Plan and specifically directs efforts to conserve the Mugar Land. Town Meeting also acts to create the Community Preservation Act Committee to implement the recently-adopted CPA.

May 28, 2015 Oaktree Development files notice with the Arlington Board of Selectmen of Oaktree's application to Mass Housing seeking to develop 219 units in 8 buildings under MGL Chapter 40B.

ATTACHMENT "B-1"

LAND ACQUISITION PROGRAM



Metropolitan District Commission
20 Somerset Street
Boston, MA 02108

Julia O'Brien
Director, Office of Planning

Daniel O'Donnell, Principal Author
MDC Office of Planning

Thomas J. Gray
Director, Real Property Office

✓ - MDC has acquired
 X - PROTECTED BY OTHERS
 O - NOT NEEDED

3 PER DAN DRISCOLL
 7 MAR 00

APPENDIX G - FINAL PROJECT POINT RATINGS

PROJECT NAME	PARCEL	MDC SCORE	SCORP SCORE	TOTAL SCORE
X Duval Property	1 of 1	70	35	131
✓ Zoppo	2 of 4	60	43	127
✓ Zoppo	4 of 4	60	43	127
✓ Zoppo	3 of 4	60	43	127
✓ Zoppo	1 of 4	60	43	127
✓ Zoppo	1 of 1	60	33	117
✓ Sunnyside Ave.	1 of 1	60	23	113
✓ Bloom Parcel	1 of 1	50	33	108
O Longview Fibra Company	1 of 1	60	19	105
X Cedar Glen Golf Course	multiple	40	44	104
Marginal Street	1-6 of 6	50	33	104
✓ Armenian Benevolent Union	1-3 of 3	50	28	104
✓ Zayre Parking Lot	1 of 1	40	43	103
✓ Pinnacle Rock	4 of 14	50	39	103
Elizabeth Island	1 of 1	50	39	100
Mugar	1-7 of 7	60	26	100
✓ Duane Parcel	1 of 1	60	24	99
✓ Blair Pond	1-2 of 2	30	43	99
✓ Bonacorso	2 of 4	40	43	97
✓ Pinnacle Rock	1-2 of 2	40	43	97
✓ Pinnacle Rock	12 of 14	40	43	97
✓ Pinnacle Rock	3 of 14	40	43	97
✓ Pinnacle Rock	10 of 14	40	43	97
✓ Pinnacle Rock	2 of 14	40	43	97
✓ Pinnacle Rock	8 of 14	40	43	97
✓ Pinnacle Rock	1 of 14	40	43	97
✓ Pinnacle Rock	14 of 14	40	43	97
✓ Pinnacle Rock	13 of 14	40	43	97
✓ Pinnacle Rock	11 of 14	40	43	97
✓ Pinnacle Rock	5 of 14	40	43	97
✓ Pinnacle Rock	6 of 14	40	43	97
✓ Pinnacle Rock	7 of 14	40	43	97
✓ Pinnacle Rock	9 of 14	50	42	96
X Mt. Gilboa	1-2 of 2	40	33	94
Waltham Watch Factory	1 of 1	40	34	94
Pine Hill Cemetary Parcel	1 of 1	60	24	94
✓ Wilson Mtn - Barletta Co.	1, 2, 3 of 4	60	19	93
Campo Marieuse	1 of 1	60	19	93
✓ Route 1 Access	2 of 2	50	33	93
✓ Fein	1 of 1	60	19	93
✓ Shaffner Parcel	1 of 1	40	28	92
✓ Weard Ave. - Nichols	1 of 1	50	32	92
DPW Funded Bikeway	1 of 1	30	35	91
✓ Bonacorso	1 of 4	30	35	91
✓ Bonacorso	3 of 4	40	26	90
C.R. Reservation WHDM	1 of 1	50	24	90
✓ Cutler	1 of 3			

SHORT-TERM ACQUISITIONS

RESERVATION	PROJECT NAME	PARCEL	PRIORITY	TOTAL SCORE
Alewife	Elizabeth Island	1 of 1	1	103
Alewife	Mugar	1-7 of 7	1	100
✓Alewife	Blair Pond	1-2 of 2	1	99
Alewife	Jerry's Pond & Babo	1-2 of 2	1	89
✓Alewife	Cattail Marsh	1 of 1	1	73
✓Back River	Cutler	1-3 of 3	1	90
✓Beaver Brook	Armenian benevolent union	1-3 of 3	1	104
Belle Isle	Duval Property	1 of 1	1	131
✓Belle Isle	Zoppo	1-4 of 4	1	127
✓Belle Isle	Sunnyside Ave.	1-3 of 3	1	117
✓Belle Isle	Bonacorso	1-4 of 4	1	99
✓Blue Hills	Duane Parcel	1 of 1	1	100
Blue Hills	Pine Hill Cemetery Parcel	1 of 1	2	94
✓Blue Hills	Colligan Parcel	1 of 1	1	88
✓Blue Hills	Shea Parcel	1-3 of 3	1	86
Blue Hills	Ricciuti Drive	1-2 of 2	1	83
✓Blue Hills	Mullin Avenue	1-2 of 2	1	80
Blue Hills	Flaherty Parcel	1 of 1	1	79
Breakheart	Cedar Glen Golf Course	multiple	1	105
Breakheart	Campo Maricuse	1 of 1	2	93
✓Breakheart	Shaffner Parcel	1 of 1	1	93
✓Breakheart	555 Broadway, rear	1 of 1	1	85
Breakheart	442 Lynnfells Parkway	1 of 1	1	85
Breakheart	Curley Property	1 of 1	1	83
✓Breakheart	425 Broadway, rear	1 of 1	1	80
Breakheart	Walnut Associates	1 of 1	1	80
Breakheart	Water Mill Site	1 of 1	1	78
Breakheart	Town Landfill	1-2 of 2	1	75
Breakheart	517 Broadway, rear	1-2 of 2	1	75
✓Breakheart	495 Broadway, rear	1 of 1	1	75
✓Breakheart	rear 425 Broadway West	1 of 1	1	75
Breakheart	Water Street Corner	1-3 of 3	1	73
Charles River	Longview Fibra company	1 of 1	1	108
✓Charles River	Zayre Parking Lot	1 of 1	1	104
Charles River	Waltham Watch Factory	1 of 1	2	94
✓Charles River	Wilson Mtn - Barletta Co.	1, 2, 3 of 4	1	94
✓Charles River	Woerd Ave. - Nichols	1 of 1	1	92
Charles River	C.R. Reservation WHDM	1 of 1	1	90
✓Charles River	Haynes Parcel	1 of 1	1	87
✓Charles River	Wilson Mountain	4 of 4	1	84

ATTACHMENT "B-2"



The Commonwealth of Massachusetts
Metropolitan District Commission

Planning Office

20 SOMERSET STREET
BOSTON, MA 02108

LR

ARGELO PAUL CELLUCCI
GOVERNOR

JANE SWIFT
LT. GOVERNOR

BOB DURAND
SECRETARY

DAVID B. BALFOUR, JR.
COMMISSIONER

TELEPHONE: (617) 727-9693
FACSIMILE: (617) 727-8301
www.state.ma.us/mdc

Faxed
10-24-00

RECEIVED

OCT 26 2000

MEPA

October 19, 2000

Bob Durand, Secretary
Executive Office of Environmental Affairs
Attention: Laura Rome, MEPA Office
251 Causeway Street - 9th Floor
Boston, MA 02114-2150

Dear Secretary Durand:

The Metropolitan District Commission (MDC) has reviewed the ENF for the Mugar parcel in Arlington, Massachusetts. It is MDC's opinion that a DEIR should be required for the proposed development. Following is an explanation for this position.

In 1992 the MDC prepared a comprehensive "Land Acquisition Program" that assessed the importance of all key open space parcels remaining within the MDC Park System's jurisdictional boundary (i.e. 37 cities/towns in the metropolitan region). Combined input from twelve public meetings, local and state officials' input, and MDC staff resulted in 205 proposed acquisitions. These properties comprised, in 1992, the most critical unprotected open space remaining in the metro. region. Fortunately, many of these key properties have been acquired by MDC over the past eight years. Due to a variety of factors, the Mugar parcel was, obviously, not one of them.

As part of the 1992 Program MDC developed an objective model for prioritizing the 205 potential acquisitions. A property received points if it met certain criterion. Examples of the criterion used follow: cultural or natural areas that are endangered or unique to the Commonwealth, including urban wilds; important ecosystems that cross political boundaries such as watersheds and wildlife habitats; recreation opportunities that are beyond the means of a single community; a parcel that strengthens existing park boundaries and prevent inappropriate intrusions; abuts water resource area; etc. Using this objective model the Mugar parcel was ranked 12th out of the 205 most significant unprotected open spaces remaining in the Metropolitan Region.

Unfortunately, recent funding limitations for parkland acquisition have significantly reduced MDC's ability to continue our proactive program of acquiring critical open space parcels such as Mugar. MDC does believe that the development of this parcel will be a major environmental loss to both the biological diversity of the Alewife Reservation and the surrounding environs, as

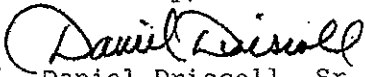
well as the Metropolitan Region's open space needs. We further believe that a property of such regional environmental importance should clearly require a DEIR.

Some of the elements that are not adequately addressed by the ENF and should be included in a DEIR follow:

- * A baseline analysis regarding the current conditions of flooding and an analysis of flood water retention on the subject site. In addition, current flooding throughout the watershed should be considered.
- * More detailed plans regarding the compensatory flood storage mentioned in the expanded ENF. MDC would like to note that counting flood storage as wetland mitigation, while perhaps permissible, is still harming the ecological health of the wetland system and adjacent habitat.
- * Analysis of pollutants that would be generated from the creation of 1,145 parking spaces, including a strategy for dealing with this pollution and identification of alternatives to having so much new parking...
- * A more comprehensive delineation of all wetland resources, and an analysis of impacts based on this delineation.
- * Preparation of detailed plans clearly outlining the construction process and its related impacts (e.g. boundaries of the construction activity, the amount of fill being exported and imported, and the level of impact to the existing wetlands from vehicle and fill storage.

In conclusion, the MDC would like to reiterate its belief that the Mugar parcel is among the most significant, privately owned open space properties remaining in the metropolitan region. While we understand that some sort of development of this parcel may occur, it would be very unfortunate for the Alewife ecosystem if the proposal before us were approved. The proponent would be hard-pressed to come up with a proposal that showed less concern for the ecological importance of their property.

Sincerely,



Daniel Driscoll, Sr. Planner
MDC Planning Office

Cc: Julia O'Brien, MDC Planning Director

ATTACHMENT "B-3"



July 21, 2015

Senator Kenneth Donnelly
State House, Room 413D
Boston, MA 02133

Representative Dave Rogers
State House, Room 162
Boston, MA 02133

Representative Sean Garballey
State House, Room 540
Boston, MA 02133

Dear Senator Donnelly, Representative Rogers and Representative Garballey,

I have received your letter regarding the proposed 40B development of the Mugar property in Arlington by Arlington Land Reality. It was a pleasure meeting with you, Arlington local officials, representatives of the Arlington Last Trust and the Arlington Coalition to Save the Mugar Wetlands last month. Your passion for this issue and your community was unmistakable.

This property was identified as appropriate for protection in the December 1992 report entitled "Metropolitan District Commission Land Acquisition Program". Unfortunately, twenty three years later, though we acknowledge that permanent protection of the site would complement other protected open spaces in and around Alewife Brook, DCR is not in a fiscal position to acquire this property.

Traditionally, DCR has been reluctant to comment on local permitting issues, even in cases where the Department is a direct abutter. In this instance, where the subject parcel is not directly connected to Alewife Brook Reservation, the Department will remain silent on the proposed residential development.



I offer our staff to be a resource to you and your community should we be able to provide technical assistance in any way. I look forward to a continued partnership with you and please do not hesitate to contact our office regarding DCR matters.

Regards,

A handwritten signature in cursive script that reads "Carol I. Sanchez".

Commissioner Carol I Sanchez

Cc: Matthew Beaton, Secretary, EOEAA
Kevin Greeley, Chair, Arlington Board of Selectmen
Adam Chapdelaine, Town Manager, Town of Arlington

OFFICE OF THE BOARD OF SELECTMEN

KEVIN F. GREELEY, CHAIR
DIANE M. MAHON, VICE CHAIR
DANIEL J. DUNN
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

August 18, 2015

By Electronic and First Class Mail

Mr. Thomas Gleason
Executive Director
MassHousing
One Beacon Street
Boston, MA 02108

Re: "Thorndike Place," Arlington, MA

Dear Executive Director Gleason:

Please accept this letter on behalf of the Board of Selectmen ("Selectmen") of the Town of Arlington ("Arlington") in reference to the application for project eligibility/site approval submitted to MassHousing by Arlington Land Realty, LLC (the "Applicant") for a development of two hundred and nineteen (219) units off of Dorothy Road in Arlington, Massachusetts ("Development"). For the reasons set forth in detail below, the Board of Selectmen respectfully advises that the Applicant's request for project eligibility/site approval cannot be granted under the standard of review employed by MassHousing. Accordingly the Board urges MassHousing to deny the Applicant's request for project eligibility/site approval.

In summary, our recommendation is based on our review of the Application, our personal knowledge of the locus and the immediate neighborhood, including the history of the site; of relevant environmental and infrastructural constraints; and of Arlington's robust and documented planning for affordable housing and growth management to reach two conclusions:

First, the Application fails to satisfy threshold requirements and policies of MassHousing designed to protect the public's interest and properly promote affordable housing. Second, and most importantly, the Application fails to address substantive

issues particular to the site in a manner that would give this Board any confidence of the appropriateness of this project. As articulated by an Arlington resident who had expressed she had an "open mind" at the outset of a public meeting on same, presenting the "bare minimum" to MassHousing, this Board, and the public is not sufficient or acceptable given the very real and demonstrated threats to public health and safety posed by the proposed project.

As we discuss in detail below, while this Board appreciates the Applicant's efforts to present this project to us, and indeed we support the development of further affordable housing in Arlington, there is no rational support for issuing project eligibility approval for this project at this location given both threshold technical and substantive deficiencies readily apparent. Therefore, we urge MassHousing to deny the application.

History of the Thorndike Place Site

As an initial matter, the Selectmen believe it important for MassHousing to understand the character and history of the site in question. (A detailed timeline of the Town's records of ownership and use of the site is annexed hereto as Attachment "A"). The Mugar family initially acquired 17.7 acres of land in the early 1950s with the intention of building a Star Market. At the outset, the Mugar family promised they would not develop the site with access through the residential streets abutting the property. Following the reconstruction of Route 2 in the 1960s, the Mugar family sought and were granted several zoning changes and special permits for various projects to develop the site over the thirty years that followed (a 20-story apartment building with 5-story office building, a 325,000 square foot office complex, and a 17-lot single family residential plan in 1990), all of which were eventually abandoned.

In 1992 the Metropolitan District Commission ("MDC") Land Acquisition Program ranked the site as the 12th highest priority acquisition target for conservation in its 37-municipality service area. See MDC Conservation Target Acquisition Plan Excerpts, annexed hereto as Attachment "B-1." The Mugar family continued to explore development options, but Arlington began working to find means of acquiring the site for such conservation and open space purposes. Eventually, Arlington's 2000 Town Meeting voted to negotiate the purchase of the land (and again to "protect" the site in 2001), but at that same approximate time the Mugar family began forwarding a new proposal for a 300,000 square foot office complex. As with prior efforts to develop the locus, the proposed office complex development was abandoned.

Meanwhile, the MDC (now the Department of Conservation and Recreation) continued to stress the Thorndike site's priority for protection, noting in an October 19, 2000 letter to the Executive Office of Environmental Affairs that the site was one of the most significant undeveloped open spaces in the Boston Metropolitan area. See MDC-EOEA Letter annexed hereto as Attachment "B-2." Following receipt of the instant application, Arlington confirmed with the Department of Conservation and Recreation that the site was and is identified as a priority for protection and preservation. See July

21, 2015 Letter of DCR Commissioner Sanchez annexed hereto as Attachment "B-3." Protection of the locus is not a new idea, nor borne out of reaction to the current proposal. For over fifteen years, the Town, the Arlington Land Trust, and the Trust for Public Land have made good faith and credible offers to purchase the site.

Similarly, the Town has expended considerable time and resources developing both a Master Plan and Open Space Plan,¹ which both codify the Town's decades-long position that the site in question must be conserved and preserved as flood-prone open space. As such, whenever the present developer approached Town officials about developing the site, they were encouraged instead to look at other sites to redevelop in Arlington, especially the former Symmes Hospital site which was fully permitted and available for a number of years.

The history between the Town and various parties seeking development of the site has never reflected a lack of respect for the Mugar family nor opposition to development, including affordable housing in Arlington. Quite to the contrary. Throughout the Fifties, Sixties, and Seventies, the Town largely supported the Mugar's designs. However, as evidenced by the Commonwealth's own determinations relating to this site as far back as 1992, much has been learned about conservation and environmentally sustainable, smart, and appropriate municipal planning and development. As discussed in detail below, the proposed project for this locus is anything but sustainable, smart or appropriate and we trust that MassHousing will reject the application for project eligibility approval now, before additional private and public resources are expended.

1. The development does not qualify for the program under which it has applied, nor does it have any eligible federal or state subsidy as required under GL. c. 40B

The Applicant has ostensibly filed an "Application for Chapter 40B Project Eligibility/Site Approval for MassHousing-Financed and New England Fund (NEF) Rental Projects." On the Application Checklist, the Applicant has checked the box indicating that it has submitted an "NEF Lender Letter of Interest." Such submission is required under Section 5.1 of the Application, which calls for a "letter of interest from a current Federal Home Loan Bank of Boston (FHLBB) member bank," containing "confirmation that the Bank is a current FHLBB member bank and will specifically use NEF funds for the proposed development."

There is no letter of interest from a current FHLBB member bank confirming that NEF funds will be used for the project. Instead, there is a letter from TD Bank *explicitly stating that it is not an NEF member bank*. Where the Applicant has not submitted even the fig leaf of a federal subsidy that is an NEF letter - while baldly asserting that it has -

¹ Both the Master Plan and latest Open Space Plan, were developed and adopted by separate processes before the Application was filed with MassHousing. Further, our previous Open Space Plans identified the area in question as a preservation priority since at least 1996, and prior to the State's formal Open Space Plan procedures, the Town targeted this area for protection as far back as a 1973 open space study.

MassHousing should conduct no further review of Application. Certainly no approval of this Application can be forthcoming where - as clearly stated on the application form - "[i]n order to issue Site Approval, MassHousing must find (as required by 760 CMR 56.04 (4)) that the Proposed Project is . . . fundable under the applicable program."

The Applicant has submitted no evidence of any other federal or state subsidy, without which the project does not qualify for *any* approval by MassHousing. The Application should be denied on this ground alone.

2. The Applicant has failed to submit evidence of Site Control and accordingly is ineligible for any approval

As a second threshold deficiency for project eligibility/site approval, the Applicant also failed to demonstrate site control. Absent evidence of site control, MassHousing should deny further review of the Application, and certainly cannot grant approval.

In Section 4, the Applicant has checked the box indicating that the project site is "Owned (or ground leased) by the Development Entity or Applicant."² The Applicant is Arlington Land Realty, LLC. There is no documentation of the claim that Arlington Land Realty, LLC owns (or has a ground lease for) the project site, or otherwise has the requisite site control.

The Applicant has attached a 2009 deed into the Arlington Land Realty Trust (consideration: \$10.00). The Applicant attaches no deed, option, or purchase and sale agreement purporting to convey the project site to the Applicant, Arlington Land Realty, LLC.

Under the application section for "Deeds or Ground Leases," the Applicant provides only the following information: "November 12, 2009 - transfer to LLC May 19, 2015," and a purchase price of \$1,500,000. Again, there is no *evidence* of any transfer of the project site into the Applicant - perhaps the "LLC" referenced above - on May 19, 2015, also the date of the Application to MassHousing. Nor is there any documentation to support the \$1,500,000 purchase price referenced with respect to the May 15, 2015 "transfer." Further, to the extent the Applicant is attempting to pass off the deed into the

² Confusingly, the Applicant has indicated that the terms "Grantor/Seller" and "Grantee/Buyer" are "N/A," or not applicable, but has checked the box indicating that the "Grantee/Buyer" is the "Developer Entity." In the section for Purchase and Sale Agreements or Option Agreement, the Applicant has identified the Grantor/Seller as Arlington Land Realty Trust, and the Grantee/Buyer as Arlington Land Realty LLC, but has also indicated that the terms Grantor/Seller and Grantee/Buyer are "N/A." There either exists a Grantor/Seller and a Grantee/Buyer, or there does not; there exists either a deed, or a purchase and sale agreement - or perhaps neither - but there should be a single answer.

Arlington Land Realty Trust as evidence of site control, the Applicant has failed to submit "copies of all plans referenced" in the deed, as explicitly required in the application. The Applicant's claim to "ownership" of "the entire site as shown on the site layout plans" is thus wholly unsupported.

The Selectmen are aware of the low evidentiary bar applied by MassHousing during the project eligibility/site approval process. Yet we assume that a *notation on the application itself* stating "transfer to LLC May 19, 2015" cannot possibly suffice as evidence that the Applicant has site control. The fact that the entities are reported as related does not obviate the need for some such evidence. Hence, as there is no support in the Application for a finding that the Applicant controls the site, as required by 760 CRM 56.04 (4), the Application must be denied.

3. The Application on its face violates MassHousing's Land Acquisition Value policy

As noted above, the Applicant has stated a purchase price for the project site of \$1,500,000. See Section 4 of the Application, "Site Control." Elsewhere in the Application - see Section 5, "Financial Information" - the Applicant indicated a site acquisition cost of \$4,100,000.00. The Applicant provides the figure of \$4,100,000 not only as the "pre-permit land value" - unsupported by any appraisal - but also as the "Actual Acquisition Cost" - that is, the amount the Applicant *in fact* has paid, or will pay for the property.³ See p. 14-15 (emphasis supplied). There are no documents supporting the assertion that the Applicant has paid, or will pay \$4,100,000 for the project locus.

The Applicant's claim to a totally fictitious site acquisition cost violates MassHousing's Land Acquisition Value policy. Further, it calls into question the validity of other pro forma values provided by the Applicant, and prevents MassHousing from making the required findings that the project is "financially feasible" and "consistent with Chapter 40B Guidelines." As MassHousing is aware, a fictitious and inflated land valuation (in addition to being a possible violation of federal and state law) was grounds for the agency's withdrawal of a site approval letter for a comprehensive permit project in Sharon. In this case, the agency is aware of the Applicant's inflated land value *prior* to issuing any approval, and should deny the application outright based on this misrepresentation.

4. The Initial Capital Budget contains unsupported and contrived costs that serve to disguise the true costs of the project and profit to the developer

As a related threshold matter, the Initial Capital Budget provided by the Applicant includes vague and unexplained expenses, which intentional or not, serve to obscure the true costs of the project, and the profit to the developer. The hard costs portion of the pro forma include a \$2,203,440.00 contingency, and an additional \$2,250,000.00 for

³ Again, there being no documentation of the alleged transfer to the Applicant, it is unknown when such transaction has occurred or will occur.

unidentified “Unusual Site Conditions/Other Site Work (fully half of the site work cost). The soft costs portion of the pro forma contains a \$295,000.00 contingency; \$42,000.00 in unidentified “costs to others”; and an *additional* \$1,540,922.00 in unidentified “other development soft costs.”⁴

Simply stated, this Board suggests that contingency costs within a comprehensive permit pro forma are nothing other than a means to increase the project's costs on paper, so as to justify an increased number of units “needed” for the project to be financially feasible. The same is true of unidentified “other site work,” “other costs,” and “costs to others.” In this case, the pro forma's contingency and unidentified costs including a total \$4,306,362 serve no more than to disguise developer profits for which comprehensive permit projects are renowned.⁵ In sum, where the Application at best reflects a lack of transparency on site control, land valuation, and budgeting, the Board trusts that MassHousing can appreciate that each these threshold deficiencies individually and collectively merit denial of this Application.

5. The proposed development is ill-suited to the project site, which is comprised largely of unbuildable wetlands and is located in a Flood Hazard Zone

According to the Applicant, the total area of the project site is 17.7 acres. Of this total area, the Applicant states that 11.5 acres, plus or minus, are wetlands.⁶ The

⁴ To the extent the Applicant's explanation for hard costs in particular is rooted in concerns about unknown “unusual” site conditions rather than ambiguous budgeting, this Board is made only that much more concerned that the site is substantively inappropriate for a development of this scale. At our August 12, 2015 Meeting with the Applicant Selectman Byrne inquired as what such costs represent, and the Applicant responded that they would not discuss it at this time.

⁵ As MassHousing is aware, any profit in excess of that allowed by the subsidy program is required to be returned to the municipality, not retained by the developer. The Selectmen are advised that the Town of Grafton was recently successful in settling a \$54M lawsuit regarding the retention of excess profits from a developer in a NEF project. Without suggesting any inappropriate involvement on its part, we note that the 40B consulting firm on that project prepared the instant Application, highlighting that even if MassHousing considers these pro formas standard practice in the past, such vague budgeting at the outset present real dangers for mismanagement with weighty consequences.

⁶ The Applicant appears to have no understanding of the function or value of wetland resources and insults the residents of Arlington—and the citizens of the Commonwealth—regarding their concerns for the protection of the same. The Applicant describes the site as “wild, unkempt, and illegally dumped on for years” and promises that “the proposed project greatly improves site conditions.” Setting aside the question of how construction of six buildings, parking, roadways and related infrastructure in and adjacent to wetlands will “improve” the resource, how else should functioning wetlands appear, other than “wild”? As for the property being “illegally dumped on for years,”

Applicant indicates that the wetland resources are "BVW/BLSF" - Bordering Vegetated Wetlands and Bordering Land Subject to Flooding, but as no application has been made to the Arlington Conservation Commission for a delineation or Order of Conditions under the Wetlands Protection Act or the Arlington Wetlands Bylaw, the accuracy of the Applicant's estimate has not been confirmed, nor has the presence of additional wetland resources protected under the Act or Bylaw been ruled out. Further, the Applicant's estimate fails to take into consideration resources protected under Arlington's Wetlands Bylaw and Zoning Bylaw. Even using the Applicant's figure of 11.5 acres of wetlands on the property, this leaves a buildable area of 5.6 acres, into which the Applicant proposes to cram 219 units in six buildings, required parking, related construction and extensive site clearing and grading. The constraints imposed by the predominance of wetlands on the site—including well documented flood hazard zones—necessitates a crowding of buildings, roadways, parking, and infrastructure onto a small portion of upland, virtually covering it with impervious surface. In fact, the project plans illustrate that the proposed project cannot even be wedged into the upland area of the property. Portions of several buildings are located in resource areas and in buffer zones and the project will require the filling of wetlands in a manner and quantity the Applicant has failed to disclose. The agency cannot possibly conclude that "the conceptual project design is generally appropriate for the site on which it is located" See 760 CMR 56.04(4)(c).

Further, the Applicant has requested waiver of provisions in the Arlington Wetlands Bylaw and Zoning Bylaw, including those pertaining to the Inland Wetland District, a resource area located on the property. Simply put, the project cannot be built without destruction of a significant resource area protected under the Bylaw, *even if* the project could be constructed in conformance with the Wetlands Protection Act⁷.

Waiver is sought from the Bylaw's prohibition on new habitable structures in the Inland Wetlands District, and from the prohibition on earthwork in the District. Again, the project cannot be built without destruction of a significant resource area protected under the Bylaw. The Applicant provides no assessment or even acknowledgment of the negative impacts on this protected resource area. In fact, the Applicant is so dismissive of the Bylaw's protection of the Inland Wetland District that it has not bothered to

one might ask why the Arlington Land Realty Trust - owner of the property since 2009 and an entity related to the Applicant - allowed the property to accumulate refuse, as depicted in the photographs submitted. Based upon the condition of the wetland resources, it appears as if there have been and continue to be, violations of the Wetlands Protection Act and the Arlington Wetlands Bylaw. The Town reserves all rights to pursue enforcement of these apparent violations before the Department of Environmental Protection and the Courts.

⁷ The applicant has provided no information—none—that the project can be constructed in compliance with the federal Clean Water Act or the Commonwealth's Wetland Protection Act and based upon our knowledge of the immediate and surrounding land areas, we believe that the project is not able to so comply.

indicate its boundaries on the project plans submitted. Without information regarding the Inland Wetland District and the impacts of the proposed project on this resource, MassHousing is in no position to approve site eligibility. In fact, MassHousing is in no position to evaluate site eligibility. It would be against basic tenets of public policy, let alone common sense, for MassHousing to approve an application for project eligibility approval where the applicant freely admitted to the Board of Selectmen on August 12, 2015 that it has no idea—none—whether the undisputed extent of wetland resources on the locus make constructing the project possible. The Town's engineering and wetlands consultant has informed the Board that they question "the ability of the Site to accommodate the project". We logically ask, therefore, how MassHousing could issue project eligibility approval where the applicant itself has provided no information upon which site eligibility can be evaluated. Approval must accordingly be denied.

The Applicant seeks numerous waivers from other provisions of the Zoning and Wetlands Bylaws and Wetlands Regulations - for example, from requirements regarding compensatory flood storage; from environmental design review (on the grounds that the ENF "will provide the same level of review and comment" - a falsity); and, generally, "a waiver to forgo full compliance with the Arlington Wetlands Bylaw." Arlington's Wetlands Bylaw and Regulations are the result of a careful process of resource evaluation, and comprise a rational scheme to protect wetland resources of great value to the locus, neighborhood, Town and region. The proposed project makes no attempt to comply with such rational requirements - in fact, the Applicant presumes their irrelevance. G.L. c. 40B allows the possible relaxation of certain local requirements where "consistent with local needs," but nowhere in the law is found support for ignoring such regulations wholesale.

Further, and as the Applicant has observed, the site lies in a Flood Zone and both the project parcel and adjacent properties are subject to flooding. Any normative review of these facts would result in a conclusion that intensive development of the site proposed is inappropriate. Even the review performed pursuant to 760 CMR 56.04 should result in such finding, where it is beyond debate that construction in such areas poses a threat not only to such construction but also to adjacent properties. For this reason, MassHousing should deny project eligibility approval as the proposed project cannot comport with the requirements of 760 CMR 56.04(4)(c) ("that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns.")

6. The proposed development is entirely inconsistent with Arlington's Comprehensive Plan

Arlington has an extensive history of master planning for growth and development through a robust public process, culminating most recently in the update of the Town's Comprehensive Plan. The Comprehensive Plan balances residential and commercial growth with preservation of natural resources and open space, according to sound planning principles and in consideration of Arlington's existing development

patterns. Even the Housing Appeals Committee has recognized the legitimacy of such planning efforts. See 28 Clay Street v. Middleborough Board of Appeals, No. 08-06, September 28, 2009.

The Comprehensive Plan designates certain areas of Arlington appropriate for increased or intensive housing development. The proposed site is decidedly not one of them. The proposed site is not located within or near an existing area of concentrated development, nor is it within or near any area designated in the Comprehensive Plan as appropriate for future concentrated development. To the contrary, it is a parcel located significantly distant from any commercial activity. This is directly *contrary* to numerous goals and strategies of the Comprehensive Plan, including but not limited to: the promotion of concentrated development, the reuse and revitalization of existing buildings, the creation of transit-oriented development and the promotion of walkable development⁸.

Although MassHousing is not a planning agency, surely the agency recognizes that consistency with a municipal comprehensive plan is a means to measure a project's compliance with 760 CMR 56.04(4)(c): "that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns." Inconsistent with Arlington's Comprehensive Plan, this project fails such measure and the Application must be denied.

7. The Project fails to comply with Arlington's Housing Plan

Arlington also has an extensive history of planning for, encouraging, and producing affordable housing including historically and currently, supporting the use of the comprehensive permit statute. Its most recent Housing Plan contains goals and strategies for the development of affordable housing for particular populations whose needs have been documented in a housing study.

The proposed project meets none of these goals. Inconsistent with Arlington's Housing Plan, this project fails the measure of 760 CMR 56.04(4)(c) and the Application must be denied.

⁸ Contrary to any suggestion by the Applicant, this is an entirely car-oriented development. It is located adjacent to Route 2 and is not walkable to stores, restaurants, or services.

8. The proposed project violates the Town's Open Space Plan

As part of its master planning process, the Town has developed an Open Space Plan to balance its expected growth, development, and intensified built environment.⁹ As a substantially built-out community, Arlington has limited opportunities to preserve the open space that is vital to communities - a value that even G.L. c. 40B recognizes as significant. See G.L. c. 40B, s. 21 (including, as a component of consistency with local needs, "the need to . . . preserve open spaces").

For decades, both the Commonwealth and the Town have identified the proposed project site as a priority parcel for acquisition due to its unusually high value as an environmental resource within the greater Boston metropolitan area.

The proposed project entails the crowding of buildings, parking, and related development at the front of the parcel; the filling of state jurisdictional wetlands; and the obliteration of locally-protected wetlands. Further, it proposes a virtual wall of buildings - four stories and fifty feet in height - across the entire frontage of the parcel. Together with its location remote from existing development, the project manages to speak negatively to *every factor* MassHousing purports to consider in the site approval process. See 760 CMR 56.04(4)(c) ("that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include *proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns*") (emphasis supplied).

9. The proposed development is wholly out of character with its neighborhood with respect to density, scale, massing and height of buildings

Adjacent to the project site is a neighborhood of single and two family homes. The Applicant proposes a 219-unit project on a buildable parcel of five or so acres, yielding a density, by the Applicant's estimation, of 43.8 units per acre. This density is entirely out of character with the adjacent residential neighborhood, with no context or justification other than maximizing developer profit. There are areas of Arlington with existing dense development, or targeted by the Town for such dense development. The project site is not one of them. Moreover, the density of the neighborhood proposed for this project exceeds the density required by G.L. c.40R, et seq. and, remarkably, 22% of the residents of the neighborhood are low to moderate income housing according to HUD. Adding a 219 unit residential project to this immediate neighborhood is completely inconsistent with one of the most well accepted principles of constructing affordable housing, that is, to ensure even distribution of the same throughout the municipality and not concentrated in any particular neighborhood.

⁹ The Open Space Plan has been adopted and endorsed by both the Conservation Commission and Planning Board entitling the Plan to various presumptions found in 760 CMR 56.00 et seq.

There are no large-scale residential or commercial buildings proximate to the upland portion of the site. The project introduces into the existing single-family neighborhood massive, wall-like buildings that are also wholly out of scale and character with the adjacent homes and streetscape. The two main buildings—with a highly austere design stretch across the width of the property, near its frontage, to a height of fifty-three (53) feet. That several townhomes are proposed in front of a portion of the fifty-three foot buildings does not mitigate the visual impact of the larger buildings. The massing, scale and height of these buildings dwarf neighboring residences and wall off the wetlands area behind the project.

Unless MassHousing has concluded that the character and fabric of existing neighborhoods are irrelevant; that visual impacts on a streetscape and neighboring residences are irrelevant - in short, that the context of a proposed project may be ignored in its entirety - this Application must be denied. See 760 CMR 56.04(4)(c) ("that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, *conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns*") (emphasis supplied).

10. The proposed development will generate traffic far in excess of what its location can sustain

The project site is constrained by Route 2 along one side and Town-owned land along part of another. All ingress and egress from the project site will be to the local road network that currently serves the surrounding single-family neighborhood. This road network does not have the capacity - nor can it be improved to have the capacity - for the hundreds of car trips to be generated daily by this project. The road network of this neighborhood is constrained by the simple lack of space for expansion or improvement.

In addition, for decades the Board of Selectmen has been asked by neighborhood residents to stop the use of the neighborhood as a "cut-through" between Lake Street and Massachusetts Avenue. It defies common sense to endorse a project in an area that cannot accommodate existing traffic and cannot be conditioned to make needed improvements. As MassHousing should know by its site investigation, there is no traffic engineering improvements that are feasible to safely shoehorn this project into this neighborhood.

The Application should be denied where it is clearly not "generally appropriate" for the site.

11. The Project Scores Zero (0) on MassHousing's Smart Growth Criteria Scorecard.

Contrary to the Applicant's claims, this project does not represent "Sustainable Development." Instead, it fails to meet each of MassHousing's "Smart Growth Criteria," which incorporate the Commonwealth's "Sustainable Development Principles."

- The project does not “contribute to revitalization of town center”
- The project does not “preserve and reuse” historic structures;
- The project does not have a “letter of support from the Chief Elected Official”;
- The project cannot be said to “concentrate development” - unless by “concentrate” is meant “*cover the entire upland area and portions of wetlands with buildings, parking lots and infrastructure*”;
- The project does not “restore and enhance the environment”;
- The project is not “fair”; it does not “improve the neighborhood” or include a “concerted public participation effort”;
- The project does not “conserve resources”;
- The project provides few realistic “transportation choice[s]”; contrary to the Applicant's suggestion, the site is not walkable to the Red Line; the project is isolated from commerce and car-dependent; and a bike trail is not a realistic year-round transit option
- The project does not “increase job opportunities”;
- The project does not “foster sustainable businesses”; and
- The project does not “plan regionally”.

With a score of zero (0) on MassHousing's own “Scorecard,” we assume that the agency cannot but reject this Application. If approval is granted notwithstanding the project's failure to conform to the , the criteria are effectively rendered meaningless.

12. The Applicant has failed to provide a complete application

The Applicant has failed to include with its application a number of required documents and information. The following is just a sampling:

- The Applicant has declined to provide a Marketing Study, stating that it available only on request. This is a requirement of the Application.
- The Applicant has declined to provide a Flood Insurance Rate Map for the project site . This is a requirement of the Application.
- The Applicant has failed to provide an Existing Conditions plan stamped by a registered engineer. This is a requirement of the Application. Instead,

for an Existing Conditions Plan, the Applicant has submitted an unstamped plan bearing the notation: "This document is provided by Borrego Solar Systems Inc. to facilitate the sale and installation of a solar power system from Borrego Solar Systems Inc. Reproduction, release, or utilization for any other purpose without prior written consent is strictly prohibited."

- The Applicant has failed to identify the 40B projects in which consultant SEB "has had an interest," including information as to whether such projects have been constructed and whether cost certification has been conducted. The Applicant states only that "Consultant SEB/has many years/40B experience"; the brochure-type addendum on SEB provides no further information, although it does have a photograph containing a dog.¹⁰
- The Applicant has failed to explain the status of the twelve for-sale townhouse units proposed. This Application is ostensibly for approval of a 219-unit rental project. Yet there is a hand-scrawled note - "Addendum to Rental Application - Twelve Townhomes for Sale" - on an unnumbered page after p. 29. This component of the project appears to have its own budget - including *a separate land acquisition cost of \$1,000,000*. There is no effort to explain how the budget for this 12-unit ownership project relates to the budget for the rental project. In fact, it is unclear whether the 12 townhouses are part of the 40B project.
- As noted above, the Applicant has failed to provide a NEF lender letter. This is a requirement of the Application.
- As noted above, the Applicant has failed to provide evidence that the Applicant, Arlington Land Realty, LLC has site control. This is a requirement of the Application.

For all the reasons noted above, we see no rational means of MassHousing issuing a project eligibility letter for the proposed project. Assuming *arguendo* that MassHousing does not enforce its own regulations, policies and normative guidelines for land development and issue a project eligibility letter for this proposal, we request that the following minimum conditions be imposed:

¹⁰ It is not disputed that SEB generally, and Robert Engler in particular, have been involved in hundreds of 40B projects over many decades and that James Stockard, a former partner of SEB, is a member of the Housing Appeals Committee. The point is that the Application requires detailed information on the experience of all "team members," which the Applicant asserts SEB to be and precisely how SEB was introduced to the Board of Selectmen during the applicant's minimal presentation on August 12, 2015.

1. The Applicant should be required to provide evidence that has site control and a NEF member bank lender;
2. The Applicant should be required to provide evidence that the land's value *and purchase price* equals \$4,100,00 as stated in its development budget, and otherwise complies with MassHousing's Land Acquisition Value Policy;
3. The applicant should be required to submit supporting documentation for its development budget, and submit a revised pro forma without inclusion of contingency costs or unidentified "other" costs;
4. The Applicant should be required to submit a revised project application consistent with the Town's Comprehensive Plan and Housing Plan;
5. The Applicant should be required to submit a revised project application with a proposed density, scale, massing and height consistent with the context of the project site;
6. The Applicant should be required to submit a revised project application that both indicates the boundaries of the Inland Wetland Resource areas and demonstrates that the project can be constructed consistent with the Arlington Wetlands Bylaw and relevant provisions of the Zoning Bylaw;
7. The Applicant should be required to submit a revised project application that is consistent with the MassHousing's "Smart Growth Criteria"
8. The applicant should be informed that the Town of Arlington will not grant wholesale waivers from local regulations designed to protect wetland resources or those designed to protect public health and safety.
9. The applicant should be informed that the Town of Arlington has achieved the "1.5% safe harbor" provision of the relevant regulations (760 CMR 56.00 et seq.) and that the Board of Appeals will have the lawful ability of invoking the same should an application for a comprehensive permit be submitted for this project.

Conclusion

During the Applicant's cursory presentation before the Board of Selectmen on August 12, 2015, it was apparent that neither the applicant nor its consultants have any understanding of the extent to which wetland resource areas dominate the locus or limitations such dominance has upon locus' development potential.

Similarly, it was clear that the Applicant has no understanding of the celebrated traffic and flooding issues surrounding the locus and immediate neighborhood. Any first year planning student, any credible developer and any competent site designer knows that developing a site requires as a first—*not as a final step*—the determination of a site's constraints and limitations. Outrageously, in this case, the Applicant has done the

opposite. They have proposed a massive project first—without even a rudimentary evaluation of the site's constraints—and now seek local, state and federal endorsement of the same and its attendant drain of taxpayer resources.

Having been lectured to by the Applicant and its agents as to how the proposed plans are “preliminary” and “details will be provided during the Board of Appeals process”, we ask MassHousing to prevent any further waste of public and private dollars and the potential destruction of a parcel of land agencies of the Commonwealth have long ago recognized as unique and deserving of perpetual protection.

We know, that MassHousing knows, that once a project eligibility letter is issued, the Applicant has little incentive to work with the host community and little incentive to do anything but wait out the hearing process for a chance to appear before the Housing Appeals Committee. We have little doubt that such a harsh and sad conclusion is accurate in the present case. MassHousing has an opportunity to end this process now for this ill fated and wholly inappropriate project.

We ask that MassHousing reject this application as the agency must—it violates every requirement, policy and standard the agency has established. Granting project eligibility approval for this project would make clear to the Commonwealth's 351 cities and towns that no project eligibility application would ever be bad enough to warrant disapproval.

On behalf of the Board of Selectmen of the Town of Arlington, please let me know if you have any questions or would like additional support for any of the comments made above. They are made with utmost seriousness.

Very truly yours,

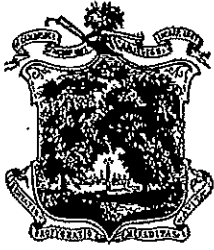
On behalf of the Arlington Board of Selectmen as its Chairman,

A handwritten signature in dark ink, appearing to read "Kevin F. Greeley", with a stylized flourish at the end.

Kevin F. Greeley

cc: Sen. Kenneth J. Donnelly
Rep. Sean Garballey
Rep. David M. Rogers

ATTACHMENT "A"



TOWN OF ARLINGTON

MASSACHUSETTS 02476

781 - 316 - 3090

DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

Mugar Site History: Development and Conservation Time-line

1951 Mugar acquires option to purchase land on Route 2 contingent on zoning change from Residential B to Business A. Mugar's counsel assures the Town that access will not be from neighborhood streets. Town Meeting adopts the zoning amendment, and S. Mugar exercises option; intends to build a Star Market. Development never commences.

1962 Mugar asks for rezoning of <5 acres to add to business zone. Concurrently, the state announces reconstruction of Route 2. The state makes land takings and Town Meeting article is withdrawn.

1970 Mugar proposes to build a 20-story apartment building and 5-story office building. Town votes to rezone to Planned Unit Development, again contingent on Mugar's counsel affirming no access would be from the neighborhood streets, only via Route 2. The re-zoning effectively increases the land value, but development never takes place.

1978 Residents request to rezone from Planned Unit Development back to Residence 2.

1983 owner proposes 325,000 square feet of office space in two buildings with 829 parking spaces; applies for Special Permits from Zoning Board of Appeals and Arlington Redevelopment Board (ARB).

1983 ARB grants special permit contingent on Route 2 access (Docket #2449) 6/29/83. Decision is appealed.

1983 Massachusetts EOTC denies Finard/Mugar 7/14/83 application for a curb-cut on Route 2 between Alewife Brook Parkway and Lake Street, noting the state's plan to acquire land and re-configure Route 2 near Alewife and access roads.

1983 Mass DPW begins Environmental Impact Report for Alewife station access roads.

1988 judgment of dismissal of abutter's appeals 11/23/88.

1990 IEP Inc. prepares a 17-lot single-family residential concept plan for the Mugar Group/Goulston & Storrs based on Arlington's R1 by-right zoning of the site, avoiding resource areas, and assumes >50% of the lot could be deeded to the town for conservation. The owners do not pursue this plan.

1990 ARB Special Permit granted in 1983 expires.

1992 Metropolitan District Commission (MDC) Land Acquisition Program ranks Mugar site 12th highest priority acquisition target for conservation in its 37-municipality service area.

1999 Mugar files Environmental Notification Form.

1999 Town Meeting warrant article is filed to acquire the Mugar Site.

2000 In January, Mugar Enterprises proposes two 5-story office buildings totaling 300,000 square feet of space.

2000 Town Meeting votes to direct the Town to negotiate to acquire the site for conservation and open space.

July 11, 2000 Finard & Co. for Mugar files with the Arlington Conservation Commission an Abbreviated Notice of Resource Area Delineation seeking confirmation of boundaries for wetlands and for the 100-year floodplain.

July 14, 2000 The Town engages the Trust for Public Land to negotiate acquisition/protection of the site with the owner.

August 2000 Finard files an Environmental Notification Form with the state.

October 19, 2000 the MDC--today's Department of Conservation and Recreation-- writes to EOE's MEPA office emphasizing the MDC's high ranking of the Mugar Land among the highest priority unprotected open spaces remaining in the metropolitan region. The state agency ranks Mugar 12th of 205 priority parcels for acquisition.

2000 MEPA certificate directs proponent to conduct analysis for full Environmental Impact Report, including "no-build" scenario, directing proponent to meet performance standards of "no-build" conditions.

2001 Finard submits additional material to the Conservation Commission supporting Finard's proposed determination of the 100 year flood elevation at the property location. The Conservation Commission in July 2001 issues a decision that does not accept the Mugar determination of the floodplain boundary, but accepts delineation of wetlands. Mugar appeals the Conservation Commission's decision to Superior Court. Superior Court in September 2002 agrees with the Conservation Commission. Mugar's appeal Superior Court decision to the Massachusetts Appeals Court.

2001 Town Meeting again votes to protect the site.

2002 Army Corps of Engineers includes Mugar parcel in proposed feasibility study of restoration of degraded wetlands.

2002 Selectmen's committee meets with David Mugar, Peter Mugar and David Ting regarding the Town's interest in acquiring the site. Selectmen then write Aug 14, 2002 to David Mugar suggesting a joint appraisal. A written offer with a specific dollar amount is made, which is declined by the Mugar's.

2002 DCR Alewife Reservation/Alewife Brook Master Plan cites hydrological connection of the Mugar parcel to the Reservation.

2003-2009 The Town, the Arlington Land Trust, and the Trust for Public Land continue to reach out to the Mugar's with offers to acquire the land.

2004 Appeals Court upholds Conservation Commission determination that Finard/Mugar's proposed floodplain boundary/elevation was inaccurate.

2009 – Oaktree Development principle Gwendolen Noyes contacts new Director of Planning & Community Development seeking to develop apartments at the Mugar land. The Director explains the Town's long-standing plan and policies to acquire the site for conservation, and instead suggests other Arlington locations better-suited for redevelopment on Massachusetts Avenue, Broadway, and especially the former Symmes Hospital site, which is already permitted for apartments.

2010 David Ting, Financial Officer for Mugar Enterprises, agrees to a price for the Town to acquire the site, and the Town is a candidate for a major wetlands protection grant to pay for it. A written agreement is ready for signature in October. In November 2010 the ballot initiative to repeal MGL Ch 40B is rejected by voters, and the property owner then declines to execute the agreement.

2010 Oaktree Development asks to meet with the Town, during which the Town Manager, Chair of the Board of Selectmen, Director of Planning & Community Development and others clearly repeat the Town's position and decades-long Open Space Plan priority to conserve the flood-prone land. The Town officials encourage Oaktree to instead look at other sites to redevelop in Arlington, especially the former Symmes Hospital site which was fully permitted and available by the bank who held the financing on the project.

2014 Arlington voters adopt the Community Preservation Act (CPA).

2014 Director of Planning & Community Development writes to Mugar Enterprises seeking to discuss acquisition.

February 2015 ARB Adopts Master Plan, including protection of Mugar land.

April 2015 ARB adopts updated Open Space & Recreation Plan re-stating the Mugar acquisition priority.

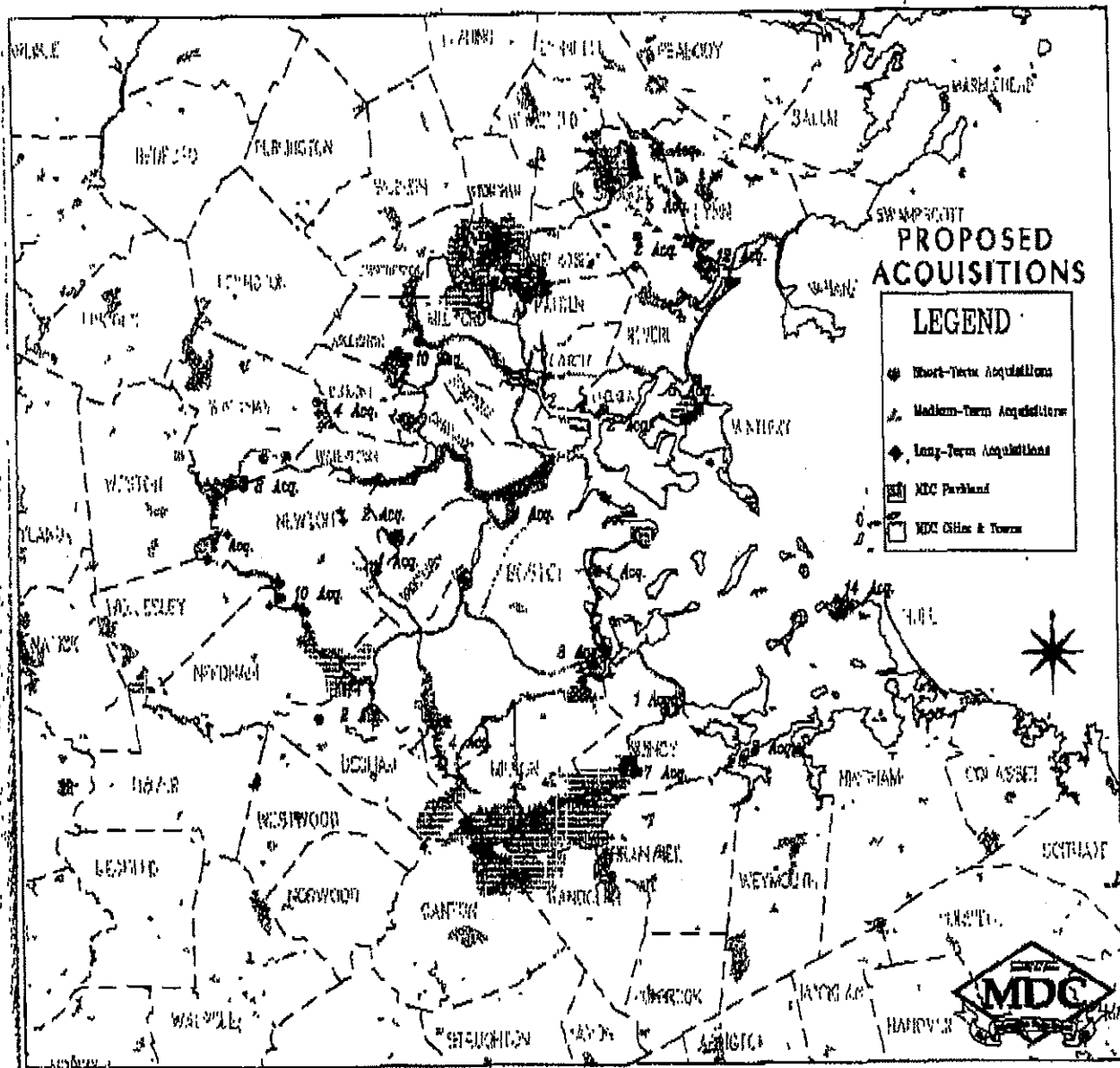
May 11, 2015 Town Meeting endorses Master Plan and specifically directs efforts to conserve the Mugar Land. Town Meeting also acts to create the Community Preservation Act Committee to implement the recently-adopted CPA.

May 28, 2015 Oaktree Development files notice with the Arlington Board of Selectmen of Oaktree's application to Mass Housing seeking to develop 219 units in 8 buildings under MGL Chapter 40B.

ATTACHMENT "B-1"

Metropolitan District Commission

LAND ACQUISITION PROGRAM



Metropolitan District Commission
20 Somerset Street
Boston, MA 02108

Julia O'Brien
Director, Office of Planning

Daniel Gidycz, Principal Author
MDC Office of Planning

Thomas J. Gray
Director, Real Property Office

✓ - MDC has acquired
 X - PROTECTED BY OTHERS
 O - NOT NEEDED

PER DAN DRISCOLL
 7 MAR 00

APPENDIX G - FINAL PROJECT POINT RATINGS

PROJECT NAME	PARCEL	MDC SCORE	SCORP SCORE	TOTAL SCORE
X Duval Property	1 of 1	70	35	131
✓ Zoppo	2 of 4	60	43	127
✓ Zoppo	4 of 4	60	43	127
✓ Zoppo	3 of 4	60	43	127
✓ Zoppo	1 of 4	60	43	127
✓ Zoppo	1 of 1	60	33	117
✓ Sunnyside Ave.	1 of 1	60	23	113
✓ Bloom Parcel	1 of 1	50	33	108
O Longview Fibra Company	1 of 1	60	19	105
X Cedar Glen Golf Course	multiple	40	44	104
Marginal Street	1-6 of 6	50	33	104
✓ Armenian Benevolent Union	1-3 of 3	50	28	104
✓ Zayre Parking Lot	1 of 1	40	43	103
✓ Pinnacle Rock	4 of 14	50	39	103
Elizabeth Island	1 of 1	50	39	100
Mugar	1-7 of 7	60	26	100
✓ Duane Parcel	1 of 1	60	24	99
✓ Black Pond	1-2 of 2	30	43	99
✓ Bonacorso	2 of 4	40	43	97
✓ Pinnacle Rock	1-2 of 2	40	43	97
✓ Pinnacle Rock	12 of 14	40	43	97
✓ Pinnacle Rock	3 of 14	40	43	97
✓ Pinnacle Rock	10 of 14	40	43	97
✓ Pinnacle Rock	2 of 14	40	43	97
✓ Pinnacle Rock	8 of 14	40	43	97
✓ Pinnacle Rock	1 of 14	40	43	97
✓ Pinnacle Rock	14 of 14	40	43	97
✓ Pinnacle Rock	13 of 14	40	43	97
✓ Pinnacle Rock	11 of 14	40	43	97
✓ Pinnacle Rock	5 of 14	40	43	97
✓ Pinnacle Rock	6 of 14	40	43	97
✓ Pinnacle Rock	7 of 14	40	43	97
✓ Pinnacle Rock	9 of 14	50	42	96
X Mt. Gilboa	1-2 of 2	40	33	94
Waltham Watch Factory	1 of 1	40	34	94
Pine Hill Cemetary Parcel	1 of 1	60	24	94
✓ Wilson Mtn - Barletta Co.	1, 2, 3 of 4	60	19	93
Campo Marieuse	1 of 1	60	19	93
✓ Route 1 Access	2 of 2	50	33	93
✓ Fein	1 of 1	60	19	93
✓ Shaffner Parcel	1 of 1	40	28	92
✓ Woerd Ave. - Nichols	1 of 1	50	32	92
DPW Funded Bikeway	1 of 1	30	35	91
✓ Bonacorso	1 of 4	30	35	91
✓ Bonacorso	3 of 4	40	26	90
C.R. Reservation WHDM	1 of 1	50	24	90
✓ Cutlex	1 of 3			

SHORT-TERM ACQUISITIONS

RESERVATION	PROJECT NAME	PARCEL	PRIORITY	TOTAL SCORE
Alewife	Elizabeth Island	1 of 1	1	103
Alewife	Mugar	1-7 of 7	1	100
✓Alewife	Blair Pond	1-2 of 2	1	99
Alewife	Jerry's Pond & Babo	1-2 of 2	1	89
✓Alewife	Cattail Marsh	1 of 1	1	73
✓Back River	Cutler	1-3 of 3	1	90
✓Beaver Brook	Armenian benevolent union	1-3 of 3	1	104
Belle Isle	Duval Property	1 of 1	1	131
✓Belle Isle	Zoppo	1-4 of 4	1	127
✓Belle Isle	Sunnyside Ave.	1-3 of 3	1	117
✓Belle Isle	Bonacorac	1-4 of 4	1	99
✓Blue Hills	Duane Parcel	1 of 1	1	100
Blue Hills	Fine Hill Cemetary Parcel	1 of 1	2	94
✓Blue Hills	Colligan Parcel	1 of 1	1	88
✓Blue Hills	Shea Parcel	1-3 of 3	1	86
Blue Hills	Ricciuti Drive	1-2 of 2	1	83
✓Blue Hills	Mullin Avenue	1-2 of 2	1	80
Blue Hills	Flaherty Parcel	1 of 1	1	79
Breakheart	Cedar Glen Golf Course	multiple	1	105
Breakheart	Campo Marieuse	1 of 1	2	93
✓Breakheart	Shaffner Parcel	1 of 1	1	93
✓Breakheart	555 Broadway, rear	1 of 1	1	85
Breakheart	442 Lynnfells Parkway	1 of 1	1	85
Breakheart	Curley Property	1 of 1	1	83
✓Breakheart	425 Broadway, rear	1 of 1	1	80
Breakheart	Walnut Associates	1 of 1	1	80
Breakheart	Water Mill Site	1 of 1	1	78
Breakheart	Town Landfill	1-2 of 2	1	75
Breakheart	517 Broadway, rear	1-2 of 2	1	75
✓Breakheart	495 Broadway, rear	1 of 1	1	75
✓Breakheart	rear 425 Broadway West	1 of 1	1	75
Breakheart	Water Street Corner	1-3 of 3	1	73
Charles River	Longview Fibra company	1 of 1	1	108
✓Charles River	Zayre Parking Lot	1 of 1	1	104
Charles River	Waltham Watch Factory	1 of 1	2	94
✓Charles River	Wilson Mtn - Barletta Co.	1, 2, 3 of 4	1	94
✓Charles River	Woerd Ave. - Nichols	1 of 1	1	92
Charles River	C.R. Reservation WHDH	1 of 1	1	90
✓Charles River	Haynes Parcel	1 of 1	1	87
✓Charles River	Wilson Mountain	4 of 4	1	84

ATTACHMENT "B-2"



The Commonwealth of Massachusetts
Metropolitan District Commission

Planning Office

20 SOMERSET STREET
BOSTON, MA 02108

LR

ARGEO PAUL CELLUCCI
GOVERNOR

JANE SWIFT
LT. GOVERNOR

BOB DURAND
SECRETARY

DAVID B. BALFOUR, JR.
COMMISSIONER

TELEPHONE: (617) 727-9693
FACSIMILE: (617) 727-8301
www.state.ma.us/mdc

*Faxed
10-24-00*

RECEIVED

OCT 26 2000

MEPA

October 19, 2000

Bob Durand, Secretary
Executive Office of Environmental Affairs
Attention: Laura Rome, MEPA Office
251 Causeway Street - 9th Floor
Boston, MA 02114-2150

Dear Secretary Durand:

The Metropolitan District Commission (MDC) has reviewed the ENF for the Mugar parcel in Arlington, Massachusetts. It is MDC's opinion that a DEIR should be required for the proposed development. Following is an explanation for this position.

In 1992 the MDC prepared a comprehensive "Land Acquisition Program" that assessed the importance of all key open space parcels remaining within the MDC Park System's jurisdictional boundary (i.e. 37 cities/towns in the metropolitan region). Combined input from twelve public meetings, local and state officials' input, and MDC staff resulted in 205 proposed acquisitions. These properties comprised, in 1992, the most critical unprotected open space remaining in the metro. region. Fortunately, many of these key properties have been acquired by MDC over the past eight years. Due to a variety of factors, the Mugar parcel was, obviously, not one of them.

As part of the 1992 Program MDC developed an objective model for prioritizing the 205 potential acquisitions. A property received points if it met certain criterion. Examples of the criterion used follow: cultural or natural areas that are endangered or unique to the Commonwealth, including urban wilds; important ecosystems that cross political boundaries such as watersheds and wildlife habitats; recreation opportunities that are beyond the means of a single community; a parcel that strengthens existing park boundaries and prevent inappropriate intrusions; abuts water resource area; etc. Using this objective model the Mugar parcel was ranked 12th out of the 205 most significant unprotected open spaces remaining in the Metropolitan Region.

Unfortunately, recent funding limitations for parkland acquisition have significantly reduced MDC's ability to continue our proactive program of acquiring critical open space parcels such as Mugar. MDC does believe that the development of this parcel will be a major environmental loss to both the biological diversity of the Alewife Reservation and the surrounding environs, as

well as the Metropolitan Region's open space needs. We further believe that a property of such regional environmental importance should clearly require a DEIR.

Some of the elements that are not adequately addressed by the ENF and should be included in a DEIR follow:

- * A baseline analysis regarding the current conditions of flooding and an analysis of flood water retention on the subject site. In addition, current flooding throughout the watershed should be considered.
- * More detailed plans regarding the compensatory flood storage mentioned in the expanded ENF. MDC would like to note that counting flood storage as wetland mitigation, while perhaps permissible, is still harming the ecological health of the wetland system and adjacent habitat.
- * Analysis of pollutants that would be generated from the creation of 1,145 parking spaces, including a strategy for dealing with this pollution and identification of alternatives to having so much new parking...
- * A more comprehensive delineation of all wetland resources, and an analysis of impacts based on this delineation.
- * Preparation of detailed plans clearly outlining the construction process and its related impacts (e.g. boundaries of the construction activity, the amount of fill being exported and imported, and the level of impact to the existing wetlands from vehicle and fill storage).

In conclusion, the MDC would like to reiterate its belief that the Mugar parcel is among the most significant, privately owned open space properties remaining in the metropolitan region. While we understand that some sort of development of this parcel may occur, it would be very unfortunate for the Alewife ecosystem if the proposal before us were approved. The proponent would be hard-pressed to come up with a proposal that showed less concern for the ecological importance of their property.

Sincerely,



Daniel Driscoll, Sr. Planner
MDC Planning Office

Cc: Julia O'Brien, MDC Planning Director

ATTACHMENT "B-3"



July 21, 2015

Senator Kenneth Donnelly
State House, Room 413D
Boston, MA 02133

Representative Dave Rogers
State House, Room 162
Boston, MA 02133

Representative Sean Garballey
State House, Room 540
Boston, MA 02133

Dear Senator Donnelly, Representative Rogers and Representative Garballey,

I have received your letter regarding the proposed 40B development of the Mugar property in Arlington by Arlington Land Reality. It was a pleasure meeting with you, Arlington local officials, representatives of the Arlington Last Trust and the Arlington Coalition to Save the Mugar Wetlands last month. Your passion for this issue and your community was unmistakable.

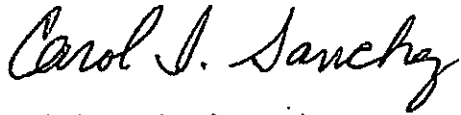
This property was identified as appropriate for protection in the December 1992 report entitled "Metropolitan District Commission Land Acquisition Program". Unfortunately, twenty three years later, though we acknowledge that permanent protection of the site would complement other protected open spaces in and around Alewife Brook, DCR is not in a fiscal position to acquire this property.

Traditionally, DCR has been reluctant to comment on local permitting issues, even in cases where the Department is a direct abutter. In this instance, where the subject parcel is not directly connected to Alewife Brook Reservation, the Department will remain silent on the proposed residential development.



I offer our staff to be a resource to you and your community should we be able to provide technical assistance in any way. I look forward to a continued partnership with you and please do not hesitate to contact our office regarding DCR matters.

Regards,

A handwritten signature in cursive script that reads "Carol I. Sanchez". The signature is written in black ink and is positioned above the printed name.

Commissioner Carol I Sanchez

Cc: Matthew Beaton, Secretary, EOEAA
Kevin Greeley, Chair, Arlington Board of Selectmen
Adam Chapdelaine, Town Manager, Town of Arlington



Town of Arlington, Massachusetts

Goal Setting Update

Summary:

Adam W. Chapdelaine, Town Manager

ATTACHMENTS:

Type	Description
▣ Reference Material	FY2016 Goals (red lined)
▣ Reference Material	FY2016 Goals for approval

FY 2015-FY 2016 Board of Selectmen Goals

1) LONG RANGE FINANCIAL/STRATEGIC PLANNING & SUSTAINABILITY *

- a) Work with Long Range Planning Committee to update existing multi-year financial plan while also considering opportunities to reduce the Town's structural deficit in preparation for future multi-year financial plans
 - *Deliverable – The Chair will provide an update to the Board of Selectmen following meetings of the Long Range Planning Committee*
 - *Deliverable – Work to engage and inform the public about the projected timeline of future overrides and debt exclusions and the corresponding service level impacts*
- b) Continue pursuit of regionalization opportunities, remaining open to new opportunities as they present themselves
 - *Deliverable – Follow up on areas that currently include veterans' services, technology, transportation, and the expansion of mutual aid agreements and work to host a second regionalization forum*
- c) Work with legislators and other communities for a more equitable distribution of state resources
- d) Identify and communicate the Town's legislative priorities to the local delegation
 - a. Priorities to include working with utility companies to explore system upgrades and better coordination amongst varying utilities
 - b. Work to see that MassDOT's commitment to a successful East Arlington Mass. Ave. rebuild is maintained throughout the conclusion of the project
 - c. Continue to urge state leaders for a solution the Minuteman School Building issue that is led by the Commonwealth (DESE)
 - e.d. Work with the state and federal legislative delegation in regard to the current proposal at the Mugar property and broader concerns with the impact of Chapter 40B on Arlington
- e) Work with the Budget and Revenue Taskforce to identify potential financial impacts of future building projects at the Ottosen, Stratton, Arlington High School and Minuteman Regional High School
- f) Review progress made regarding recently adopted water/sewer rate structure and billing plan
- f.g) Work with the Cable Advisory Committee on negotiating and coming to agreement on new licensing agreements with the Town's three cable service providers

2) CAPITAL PROJECTS AND MAINTENANCE

- a) Public safety buildings – (Community Safety Building envelope – FY2013)
 - *Deliverable – Work with Town Manager and PTBC to complete this phase of the project and review perform a post project analysis to be developed by the Town Manager and the PTBC*
- b) Public safety buildings – (Central Fire Station – FY2015)
 - Deliverable – Begin construction portion of project in FY2015
- e)h) Finalize an Review inventory of publicly owned parcels that identifies jurisdictional issues and establishes parcel boundaries and investigate inclusion of data within the Town's GIS database
 - Deliverable – Finalize and Review parcel listing and work to clarify any existing jurisdictional issues
 - Deliverable – Produce a sub-list of properties under the jurisdiction of the Board
- d)c) Work with newly created Facility Maintenance Committee and support its efforts of advising the Town Manager on building needs and budget constraints as they relate to town owned facilities the Town Manager and the School Department on the creation of the newly approved joint Town/School Facilities Department
- e)d) Finalize process of determining proper future use of 1207 Massachusetts Avenue Issue RFP for the short term lease of the property at 1207 Massachusetts Avenue and consider long term strategy of selling the property as authorized by Town Meeting
- f) Monitor progress of the Stratton School Building Committee and provide support as appropriate
- e) Monitor the implementation of Mt. Pleasant Cemetery improvements as outlined within the capital plan

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- ~~f) Work to populate and cooperate with the newly created Community Preservation Committee as it works to receive, consider, and recommend eligible projects to the 2016 Annual Town Meeting~~
- ~~g) Work with the School Department, Town Manager, and the PTBC on the Stratton School renovation design during FY2016~~
- ~~h) Work with the ARB and the Central School Feasibility Committee to consider upgrades to the Central School space focused on improving the space used as a Senior Center~~
- ~~i) Public safety buildings – (Community Safety Building interior – FY2016)~~
- ~~g) • Deliverable – Work with the Town Manager and the PTBC to begin the construction portion of this project with a focus on bringing the project in on-time and on-budget~~

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3) LONG RANGE COMMUNITY PLANNING, LAND USE, COMMUNITY DEVELOPMENT, AND TOURISM

- a) Work with ~~the~~ Town Manager and Director of Planning & Community Development on Master Plan and continue to promote participation throughout the process ~~newly created Master Plan Implementation Committee to begin the implementation of the key strategies and recommendations contained within the Master Plan~~
 - ~~Deliverable—Review and consider the final Master Plan report~~
- b) Work with ATED to review the committee's priorities ~~and the committee's structure and help with a focus on developing~~ a sustainable model through which these priorities can be achieved
- c) ~~Continue to Work to~~ support efforts focused on economic development, business retention, and tourism through working with the Economic Development Planner
- ~~d) Work to oppose the current proposal for the Mugar property, protect the wetlands contained within the property, and work toward the best outcome for the property, the neighborhood, and the Town. Monitor the potential development of the Mugar property and conserve the wetlands contained therein~~
- ~~d) Continue to work with the Arlington Commission on Arts and Culture to support promotional opportunities for arts and culture in Arlington, and the development of a cultural district proposal~~
- e) ~~Consider the development of a strategy for aligning the planning and fundraising of the numerous special events now happening across Town~~
- f) Work with the Cemetery Commission and ARB ~~to consider the impending shortage of cemetery space to explore cemetery expansion opportunities~~
- g) Work with Town Manager and other stakeholders on identifying land for storm debris and snow storage
- h) Communicate and coordinate with neighboring communities to identify issues that have regional impacts, the following included:
 - Work with Cambridge, Somerville, and the MWRA to eliminate all CSO discharges into the Alewife Brook within the next 20 years. Uphold Town Meeting vote to restore Alewife Brook to a Federal Class B waterway
 - Work with DCR and MassDOT on Alewife Greenway to protect the Town's interests and ensure that appropriate state agencies uphold their commitment to maintenance and vegetation management

4) TRANSPORTATION AND PARKING

- a) Continue to communicate and work with residents, businesses and relevant agencies to move ~~the~~ Mass. Ave. corridor ~~project toward its completion~~ project forward
- b) ~~Work with the Parking and Implementation and Governance Committee on implementing the Arlington center Parking Management Strategy as adopted by the Board. Review and act upon Arlington Center parking policy with a focus on enhancing customer service and increasing the vitality of the Arlington Center commercial district~~
- ~~c) Review parking regulations in East Arlington while considering options for management of neighborhood parking and the relevant impacts of street cleaning schedules and commuter parking~~
- ~~d) Continue working with the Route 128 Business Council on regional transportation opportunities and work to maintain and enhance investigate increased cooperation with the Lexpress service~~
- ~~e) Review, monitor and evaluate hackney licensing processes on an annual basis~~
- ~~f) Work with ABAC and TAC to promote and encourage multimodal transportation in Arlington, and support corresponding infrastructure improvements throughout Town, and explore bike sharing opportunities~~

g) ~~Develop parking regulation strategy for Mt. Pleasant Cemetery~~

5) PUBLIC COMMUNICATIONS AND CUSTOMER SERVICE

- a) Continue exploring options for customer service enhancement including enhanced use of website and Request/Answer Center.
- b) Receive quarterly reporting from the Request/Answer center with a focus on volume and response time. How long before request is acknowledged? ~~Also Monitor~~ long term unanswered requests and explore further metrics that provide value to the Board
- c) ~~Continue development of~~ Selectmen's Policy Handbook and establish a policy outlining the manner and frequency in which it will be reviewed/or investigate what currently exists in a similar fashion
- d) Work with Town Manager and Public Information Officer to maintain and expand~~investigate~~ traditional and alternative means to enhance public communication
- e) Continue to enhance accessibility and transparency of Board of Selectmen proceedings through the integration of technology
- f) ~~Review~~Implement electronic packets for the Board of Selectmen and consider updates~~develop appropriate to~~ policies and procedures
- f) ~~g)~~ Explore the implementation of remote participation for both Board members and residents and the technology that would be necessary to make it practical

**Sustainability – "Sustainability is the ability of communities to consistently thrive over time as they make decisions to improve the community today without sacrificing the future" – Tad McGalliard, ICMA*

FY 2015-FY 2016 Town Manager Goals

1) FINANCIAL AND OPERATIONAL EFFICIENCY

- a) Work with Board of Selectmen and other Town officials to update and monitor the existing multi-year financial plan while researching and developing opportunities to reduce the Town's structural deficit in preparation for future multi-year financial plans
 - *Deliverable – Prepare multi-year planning analysis for presentation to key stakeholder groups*
- b) Continue to evaluate current methods of delivering various services to ensure that the most productive, cost efficient method is used
- c) Continue to work with legislators and other communities for a more equitable distribution of state resources
- d) Continue to pursue grant funding and other revenue enhancing opportunities including the newly offered Community Compact program initiated by the Baker Administration
- e) Continue to investigate regionalization initiatives that provide both financial incentives and service delivery improvement to Arlington residents.

- *Deliverable – Follow up on areas that currently include veterans’ services, technology, transportation, and the expansion of mutual aid agreements and organize a second regionalization forum*
- ~~f) Investigate possibility of Innovation Award Program, to award employees who propose cost saving measures for their department~~
- ~~g) Continue the progress that has been made in developing a performance management program through the grant awarded by the Collins Center. Analyze the newly offered ICMA Insights program as a potential performance measurement tool for the organization~~
- ~~h) Work with the Budget and Revenue Taskforce on identifying financial impacts of future building projects at the Ottoson, Stratton, Arlington High School and Minuteman Regional High School.~~
- ~~g) Continue managing process of implementing new water and sewer rate structure along with changes to billing frequency.~~
- ~~h) Work with the Board and the Cable Advisory Committee to negotiate new licensing agreements with the Town's three cable service providers.~~

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2) CAPITAL PROJECTS

- a) Manage Community Safety Building Repairs (FY 2013)
 - *Deliverable – Work with the PTBC to complete this phase of the project and develop a post project analysis with the PTBC for review by the Board of Selectmen*
- ~~b) Manage Central Fire Station Construction (FY 2015)~~
 - ~~*Deliverable – Complete building project on schedule and on budget*~~
- ~~e) Assist Board in review of Develop an inventory of publicly owned parcels that identifies jurisdictional issues and parcel boundaries~~
 - ~~*Deliverable – Finalize creation of inventory and provide to the Board of Selectmen for review. Clarify any jurisdictional issues and provide sub-list of properties under Board jurisdiction*~~
- ~~d) Work with newly created Facility Maintenance Committee on maintenance budgeting for the Town-owned buildings~~
- ~~e) Monitor progress of the Stratton School Building Committee and provide support as appropriate. Work with the PTBC and the School Department on the Stratton School Design in FY2016~~
- ~~f) Work with the Board of Selectmen to determine the future use of the property located at 1207 Massachusetts Avenue~~
- ~~d) Work with the Director of Public Works to manage the implementation of Mt. Pleasant Cemetery improvements as outlined within the capital plan~~
- ~~e) Work with the Board to issue an RFP for the short term lease of the property at 1207 Massachusetts Avenue and consider long term strategy of selling the property as authorized by Town Meeting~~
- ~~f) Work with the ARB and the Central School Feasibility Committee to consider upgrades to the Central School space focused on improving the space used as a Senior Center~~
- ~~g) Work with the newly populated Community Preservation Committee as it works to receive, consider, and recommend eligible projects to the FY2016 Town Meeting~~
- ~~h) Manage Community Safety Building Repairs (CSB Interior - FY2016)~~
 - ~~g) • *Deliverable – Complete building project on schedule and on budget*~~

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3) PLANNING, LAND USE, COMMUNITY DEVELOPMENT, AND TRANSPORTATION

- a) Work with the Board of Selectman, Redevelopment Board, ~~and the~~ Planning and Community Development Department ~~and the newly formed Master Plan Implementation committee to begin the implementation of the key strategies and recommendations contained within the Master Plan to continue the progress to date on the Master Planning process~~
- a) Continue to work with Selectmen regarding comprehensive commercial district parking study
 - ~~*Deliverable – Provide Board of Selectmen with Arlington Center Parking proposal for their action*~~

- a) Work with ATED and the Economic Development Officer to further economic development, business retention, and tourism.
- b) ~~Work with the Parking and Implementation and Governance Committee on implementing the Arlington center Parking Management Strategy as adopted by the Board~~
- c) Continue working with residents, businesses and relevant agencies ~~as the to begin improvements to~~ Mass Ave. corridor ~~nears completion.~~
- d) ~~Work with the Board to oppose the current proposal for the site, protect the wetlands within the property, and work toward the best outcome for the property, the neighborhood, and the Town. Work to monitor potential development of the Mugar property and conserve the wetlands contained therein~~
- e) ~~Work with the Board of Selectmen to review parking regulations in East Arlington while considering options for management of neighborhood parking and the relevant impacts of street cleaning schedules and commuter parking~~
- f) ~~Continue to work with the Arlington Commission on Arts and Culture to support promotional opportunities for arts and culture in Arlington and the development of a cultural district proposal~~
- g) ~~Work with ABAC and TAC to promote and encourage multimodal transportation in Arlington, and support corresponding infrastructure improvements throughout Town, and explore bike sharing opportunities~~
- h) ~~Work with appropriate Town departments to identify site for temporary debris and snow storage~~
- i) ~~Work with the Board of Selectmen and the Cemetery Commission to develop parking regulation strategy for Mt. Pleasant Cemetery~~

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4) INFORMATION TECHNOLOGY

- a) Work with the Director of Information Technology to implement the 3 year IT Strategic Plan
 - Deliverable – Implement plan
- b) Work with departments to implement online bill payments
 - Deliverable – ~~Expand Complete~~ implementation of online bill paying ~~to further departments~~
- c) Work to integrate newly established GIS data and mapping tools into departmental operations
 - Deliverable – Demonstrate integration of GIS tools into departmental operations
- d) ~~Implement wireless internet access in the Board of Selectmen's Office and Chambers~~

5) PUBLIC COMMUNICATION AND CUSTOMER SERVICE

- a) Work with the Director of Information Technology and Public Information Officer to investigate the upgrade and integration of the Town's Request/Answer Center with the anticipated GIS system if appropriate
- b) Work with Public Information Officer to continue to ~~investigate maintain and expand~~ the integration of social media into daily as well as emergency communications
- c) Work with Public Information Officer to further develop uses of traditional media to communicate with public

6) ENERGY EFFICIENCY/SUSTAINABILITY

- a) Continue work with the Energy Working Group, leveraging Arlington's designation as a Green Community, to improve the Town's energy efficiency.
- b) ~~Work with the Regional Energy Manager and the Energy Working Group to move forward with installing solar panels on town and school buildings and town property~~
 - ~~Deliverable – Provide Board of Selectmen and School Committee with presentation in regard to planned solar projects and move forward with project implementation~~
- c) ~~Work with the Energy Working Group to plan for expenditure of the remaining balance in the \$200,000 energy efficiency fund as approved by the 2012 Town Meeting~~
 - Deliverable – Building upon success of initial expenditures, continue to use energy audit and other pertinent information to plan projects which have both financial and environmental benefits to the Town

7) ORGANIZATIONAL

a) ~~Complete~~Begin bargaining ~~with~~with the one bargaining ~~units remaining~~ for a successor agreements to begin in FY2016

b) Continue to recruit and hire qualified, professional, and excellent employees at all levels of the organization

c) Work to integrate the Director of Assessments into the financial team overseen by the Town Manager and work to implement further improvements and efficiencies regarding the Town's financial management structure

d) Implement the newly created joint Town/School Facilities Department

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FY 2015-FY 2016 Board of Selectmen Goals

1) LONG RANGE FINANCIAL/STRATEGIC PLANNING & SUSTAINABILITY *

- a) Work with Long Range Planning Committee to update existing multi-year financial plan while also considering opportunities to reduce the Town's structural deficit in preparation for future multi-year financial plans
 - *Deliverable – The Chair will provide an update to the Board of Selectmen following meetings of the Long Range Planning Committee*
 - *Deliverable – Work to engage and inform the public about the projected timeline of future overrides and debt exclusions and the corresponding service level impacts*
- b) Continue pursuit of regionalization opportunities, remaining open to new opportunities as they present themselves
 - *Deliverable – Follow up on areas that currently include veterans' services, technology, transportation, and the expansion of mutual aid agreements and work to host a second regionalization forum*
- c) Work with legislators and other communities for a more equitable distribution of state resources
- d) Identify and communicate the Town's legislative priorities to the local delegation
 - a. Priorities to include working with utility companies to explore system upgrades and better coordination amongst varying utilities
 - b. Work to see that MassDOT's commitment to a successful East Arlington Mass. Ave. rebuild is maintained through the conclusion of the project
 - c. Continue to urge state leaders for a solution the Minuteman School Building issue that is led by the Commonwealth (DESE)
 - d. Work with the state and federal legislative delegation in regard to the current proposal at the Mugar property and broader concerns with the impact of Chapter 40B on Arlington
- e) Work with the Budget and Revenue Taskforce to identify potential financial impacts of future building projects at Arlington High School and Minuteman Regional High School
- f) Review progress made regarding recently adopted water/sewer rate structure and billing plan
- g) Work with the Cable Advisory Committee on negotiating and coming to agreement on new licensing agreements with the Town's three cable service providers

2) CAPITAL PROJECTS AND MAINTENANCE

- a) Public safety buildings – (Community Safety Building envelope – FY2013)
 - *Deliverable – Work with Town Manager and PTBC to perform a post project analysis*
- b) Review inventory of publicly owned parcels that identifies jurisdictional issues and establishes parcel boundaries and investigate inclusion of data within the Town's GIS database
 - *Deliverable – Review parcel listing and work to clarify any existing jurisdictional issues*
 - *Deliverable – Produce a sub-list of properties under the jurisdiction of the Board*
- c) Work with the Town Manager and the School Department on the creation of the newly approved joint Town/School Facilities Department
- d) Issue RFP for the short term lease of the property at 1207 Massachusetts Avenue and consider long term strategy of selling the property as authorized by Town Meeting
- e) Monitor the implementation of Mt. Pleasant Cemetery improvements as outlined within the capital plan
- f) Work to populate and cooperate with the newly created Community Preservation Committee as it works to receive, consider, and recommend eligible projects to the 2016 Annual Town Meeting
- g) Work with the School Department, Town Manager, and the PTBC on the Stratton School renovation design during FY2016
- h) Work with the ARB and the Central School Feasibility Committee to consider upgrades to the Central School space focused on improving the space used as a Senior Center
- i) Public safety buildings – (Community Safety Building interior – FY2016)
 - *Deliverable – Work with the Town Manager and the PTBC to begin the construction portion of this project with a focus on bringing the project in on-time and on-budget*

3) LONG RANGE COMMUNITY PLANNING, LAND USE, COMMUNITY DEVELOPMENT, AND TOURISM

- a) Work with the newly created Master Plan Implementation Committee to begin the implementation of the key strategies and recommendations contained within the Master Plan
- b) Work with ATED to review the committee's priorities and the committee's structure with a focus on developing a sustainable model through which these priorities can be achieved
- c) Continue to support efforts focused on economic development, business retention, and tourism through working with the Economic Development Planner
- d) Work to oppose the current proposal for the Mugar property, protect the wetlands contained within the property, and work toward the best outcome for the property, the neighborhood, and the Town. Continue to work with the Arlington Commission on Arts and Culture to support promotional opportunities for arts and culture in Arlington and the development of a cultural district proposal
- e) Consider the development of a strategy for aligning the planning and fundraising of the numerous special events now happening across Town
- f) Work with the Cemetery Commission and ARB to consider the impending shortage of cemetery space
- g) Work with Town Manager and other stakeholders on identifying land for storm debris and snow storage
- h) Communicate and coordinate with neighboring communities to identify issues that have regional impacts, the following included:
 - Work with Cambridge, Somerville, and the MWRA to eliminate all CSO discharges into the Alewife Brook within the next 20 years. Uphold Town Meeting vote to restore Alewife Brook to a Federal Class B waterway
 - Work with DCR and MassDOT on Alewife Greenway to protect the Town's interests and ensure that appropriate state agencies uphold their commitment to maintenance and vegetation management

4) TRANSPORTATION AND PARKING

- a) Continue to communicate and work with residents, businesses and relevant agencies to move the Mass. Ave. corridor project toward its completion
- b) Work with the Parking and Implementation and Governance Committee on implementing the Arlington center Parking Management Strategy as adopted by the Board
- c) Continue working on regional transportation opportunities and work to maintain and enhance cooperation with the Lexpress service
- d) Review, monitor and evaluate hackney licensing processes on an annual basis
- e) Work with ABAC and TAC to promote and encourage multimodal transportation in Arlington, support corresponding infrastructure improvements throughout Town, and explore bike sharing opportunities

5) PUBLIC COMMUNICATIONS AND CUSTOMER SERVICE

- a) Continue exploring options for customer service enhancement including enhanced use of website and Request/Answer Center.
- b) Receive quarterly reporting from the Request/Answer center with a focus on volume and response time. How long before request is acknowledged? Monitor long term unanswered requests and explore further metrics that provide value to the Board
- c) Continue development of Selectmen's Policy Handbook and establish a policy outlining the manner and frequency in which it will be reviewed
- d) Work with Town Manager and Public Information Officer to maintain and expand traditional and alternative means to enhance public communication
- e) Continue to enhance accessibility and transparency of Board of Selectmen proceedings through the integration of technology
- f) Review electronic packets for the Board of Selectmen and consider updates to policies and procedures
- g) Explore the implementation of remote participation for both Board members and residents and the technology that would be necessary to make it practical

**Sustainability – "Sustainability is the ability of communities to consistently thrive over time as they make decisions to improve the community today without sacrificing the future" – Tad McGalliard, ICMA*

FY 2015-FY 2016 Town Manager Goals

1) FINANCIAL AND OPERATIONAL EFFICIENCY

- a) Work with Board of Selectmen and other Town officials to update and monitor the existing multi-year financial plan while researching and developing opportunities to reduce the Town's structural deficit in preparation for future multi-year financial plans
 - *Deliverable – Prepare multi-year planning analysis for presentation to key stakeholder groups*
- b) Continue to evaluate current methods of delivering various services to ensure that the most productive, cost efficient method is used
- c) Continue to work with legislators and other communities for a more equitable distribution of state resources
- d) Continue to pursue grant funding and other revenue enhancing opportunities including the newly offered Community Compact program initiated by the Baker Administration
- e) Continue to investigate regionalization initiatives that provide both financial incentives and service delivery improvement to Arlington residents.
 - *Deliverable – Follow up on areas that currently include veterans' services, technology, transportation, and the expansion of mutual aid agreements and organize a second regionalization forum*
- f) Analyze the newly offered ICMA Insights program as a potential performance measurement tool for the organization. Work with the Budget and Revenue Taskforce on identifying financial impacts of future building projects at Arlington High School and Minuteman Regional High School.
- g) Continue managing process of implementing new water and sewer rate structure along with changes to billing frequency
- h) Work with the Board and the Cable Advisory Committee to negotiate new licensing agreements with the Town's three cable service providers

2) CAPITAL PROJECTS

- a) Manage Community Safety Building Repairs (FY 2013)
 - *Deliverable – Work with the PTBC to develop a post project analysis with the PTBC for review by the Board of Selectmen*
- b) Assist Board in review of inventory of publicly owned parcels that identifies jurisdictional issues and parcel boundaries
 - *Deliverable – Clarify any jurisdictional issues and provide sub-list of properties under Board jurisdiction*
- c) Work with the PTBC and the School Department on the Stratton School Design in FY2016
- d) Work with the Director of Public Works to manage the implementation of Mt. Pleasant Cemetery improvements as outlined within the capital plan
- e) Work with the Board to issue an RFP for the short term lease of the property at 1207 Massachusetts Avenue and consider long term strategy of selling the property as authorized by Town Meeting
- f) Work with the ARB and the Central School Feasibility Committee to consider upgrades to the Central School space focused on improving the space used as a Senior Center
- g) Work with the newly populated Community Preservation Committee as it works to receive, consider, and recommend eligible projects to the FY2016 Town Meeting
- h) Manage Community Safety Building Repairs (CSB Interior - FY2016)
 - *Deliverable – Complete building project on schedule and on budget*

3) PLANNING, LAND USE, COMMUNITY DEVELOPMENT, AND TRANSPORTATION

- a) Work with the Board of Selectman, Redevelopment Board, the Planning and Community Development Department and the newly formed Master Plan Implementation committee to begin the implementation of the key strategies and recommendations contained within the Master Plan
- a) Work with ATED and the Economic Development Officer to further economic development, business retention, and tourism

- b) Work with the Parking and Implementation and Governance Committee on implementing the Arlington center Parking Management Strategy as adopted by the Board
- c) Continue working with residents, businesses and relevant agencies as the Mass Ave. corridor nears completion
- d) Work with the Board to oppose the current proposal for the site, protect the wetlands within the property, and work toward the best outcome for the property, the neighborhood, and the Town Continue to work with the Arlington Commission on Arts and Culture to support promotional opportunities for arts and culture in Arlington and the development of a cultural district proposal
- e) Work with ABAC and TAC to promote and encourage multimodal transportation in Arlington, support corresponding infrastructure improvements throughout Town, and explore bike sharing opportunities
- f) Work with appropriate Town departments to identify site for temporary debris and snow storage

4) INFORMATION TECHNOLOGY

- a) Work with the Director of Information Technology to implement the 3 year IT Strategic Plan
 - *Deliverable – Implement plan*
- b) Work with departments to implement online bill payments
 - *Deliverable – Expand implementation of online bill paying to further departments*
- c) Work to integrate newly established GIS data and mapping tools into departmental operations
 - *Deliverable – Demonstrate integration of GIS tools into departmental operations*

5) PUBLIC COMMUNICATION AND CUSTOMER SERVICE

- a) Work with the Director of Information Technology and Public Information Officer to investigate the upgrade and integration of the Town's Request/Answer Center with the anticipated GIS system if appropriate
- b) Work with Public Information Officer to continue to maintain and expand the integration of social media into daily as well as emergency communications
- c) Work with Public Information Officer to further develop uses of traditional media to communicate with public

6) ENERGY EFFICIENCY/SUSTAINABILITY

- a) Continue work with the Energy Working Group, leveraging Arlington's designation as a Green Community, to improve the Town's energy efficiency.
- b) Work with the Energy Working Group to plan for expenditure of the remaining balance in the \$200,000 energy efficiency fund as approved by the 2012 Town Meeting
 - *Deliverable – Building upon success of initial expenditures, continue to use energy audit and other pertinent information to plan projects which have both financial and environmental benefits to the Town*

7) ORGANIZATIONAL

- a) Complete bargaining with the one bargaining remaining for a successor agreement to begin in FY2016
- b) Continue to recruit and hire qualified, professional, and excellent employees at all levels of the organization
- c) Work to integrate the Director of Assessments into the financial team overseen by the Town Manager and work to implement further improvements and efficiencies regarding the Town's financial management structure
- d) Implement the newly created joint Town/School Facilities Department



Town of Arlington, Massachusetts

Westminster Avenue Safety Improvements

Summary:

Jim Hamilton, 138 Westminster Avenue

ATTACHMENTS:

Type	Description
▣ Reference Material	Police memo, Hamilton correspondence, Meeting notice

ARLINGTON POLICE DEPARTMENT

CHIEF OF POLICE

Frederick Ryan



Town of Arlington

MASSACHUSETTS 02474

POLICE HEADQUARTERS

112 Mystic Street

Telephone 781-316-3900

Facsimile 781-316-3919

MEMORANDUM

TO: Marie Krepelka
Board Administrator

FROM: Officer Corey P. Rateau
Traffic and Parking Unit

DATE: July 28, 2015

RE: Westminster Avenue Traffic Concerns

Per your request, I looked to see if there were any reports of traffic concerns on Westminster Avenue. No complaints have been recently directed to our attention. There was some traffic enforcement activity on the street a couple of years ago and a few tickets were given out. Most of the recent complaints have been coming from Lowell Street, which has a long documented history of significant speeding problem. Maybe the recent uptick in activity from Lowell residents and recent discussions of potential engineering changes for that roadway has influenced on Westminster residents to get back onto the radar out of fear that traffic will divert to their roadway.

It's been several years (2007) since any data has been collected (after two incidents of cars crashing into the same residence on the bend, one of which was a fatality that had major mitigating factors other than speed). Despite the reports of constant speeding back then, the data showed an average of about 27 mph with the 85th percentile being around 32 mph, which is pretty much within tolerable range of a 30 mph zone (even radar is only accurate to +/- 1 mph and I don't think the untrained eye is really going to detect that extra 1 mph difference, nor in reality would you stop someone going so close to the speed limit). As with many other streets, there were incidents of vehicles traveling at an unsafe speeds but it was more of an occasional occurrence rather than a constant condition. However, I honestly can't recall whether or not the last set of data was collected before or after they put in the 4-way stop sign at Westmoreland in 2007

I think we should wait and collect new data in the fall after school has started so that we can get a more accurate idea of the traffic flow. I do recall that prior to 2007, we had to perform multiple counts because residents didn't agree with the recorded speeds being slower than what they perceived and found different reasons to state we were faulty in our procedures. I am fairly

"Proactive and Proud"

ARLINGTON POLICE DEPARTMENT

confident now as we were back then that we are properly collecting the data but would not collect any now while school is not in session to provide any such opportunities for criticism.

The following link is a list of contemplated engineering changes for Westminster Ave that were floated around back in 2007 at the height of the previous traffic concerns. Note that some of these have already been implemented and it has been reported that Lexington is supposedly redesigning the interchange with Lowell and Westminster.

<http://www.arlingtonma.gov/home/showdocument?id=2612>

Please note that a patrol request has been entered for Westminster Avenue in the interim.

"Proactive and Proud"

From: Jim Hamilton <jimh02474@gmail.com>
Date: Wed, Jul 8, 2015 at 4:22 PM
Subject: Westminster Avenue Safety Improvements
To: wchouinard@town.arlington.ma.us, fryan@town.arlington.ma.us, smbyrnel987@gmail.com

Dear Engineer Chouinard, Chief Ryan and Selectman Byrne,

I am writing regarding the chronic problem of excessive speed and continued threat to public safety on Westminster Avenue.

It all boils down to this. The stretch of Westminster Avenue from the Lexington line to the Five Corners intersection at Park Avenue Extension is generally long, wide and straight which promotes speeding.

Stop signs were placed at the intersection of Westminster and Westmoreland but these are seldom recognized or observed. It is not uncommon to witness little children from the nearby reservoir crossing this intersection to the sounds of screeching tires from motorists who come to a sudden stop.

My sense is that a solution is not signage. It is design. Traffic calming measures need to be implemented to cause drivers to slow down and increase safety. Rumble strips, speed bumps, elevated cross walks or curb necks are some examples I have seen elsewhere which offer cost-effective options.

This matter should not be new to you and conditions will only get worse unless concrete action is undertaken.

As such, I would appreciate your consideration of these suggestions and welcome the opportunity to continue the dialogue as you see fit.

Thanks you for your attention to this matter,

Jim Hamilton

138 Westminster Avenue

Arlington, MA 02474

[781.646.0568](tel:781.646.0568)

OFFICE OF THE BOARD OF SELECTMEN

KEVIN F. GREELEY, CHAIR
DIANE M. MAHON, VICE CHAIR
DANIEL J. DUNN
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

July 28, 2015

Jim Hamilton
138 Westminster Avenue
Arlington, MA 02474

Dear Mr. Hamilton:

We are in receipt of your correspondence of July 8th in which you discuss safety improvements on Westminster Avenue.

Thank you for writing to the Board of Selectmen. Your correspondence will appear on the August 17th Selectmen's Agenda under "Correspondence Received". Although it is not necessary for you to attend the meeting, you may do so if you are so inclined.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,
BOARD OF SELECTMEN

A handwritten signature in cursive script, reading "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator



Town of Arlington, Massachusetts

Amendment to Regional Agreement

Summary:

David Horton, Secretary, Minuteman School Committee

ATTACHMENTS:

Type	Description
▣ Reference Material	Letter from David Horton, Minuteman School Committee



MINUTEMAN
A REVOLUTION IN LEARNING

*Quers. Rec.
8/17/15
Packet 7/14/15*

July 16, 2015

Kevin F. Greeley, Chair
Board of Selectmen
Town of Arlington
869 Mass. Ave.
Arlington, MA 02476

Dear Mr. Greeley:

On April 15, 2015 the Wayland Town Meeting voted to seek the Town of Wayland's withdrawal from the Minuteman Regional School District. Section IX of the current Minuteman Regional Agreement requires the Minuteman Regional School Committee, under such circumstances, to draft an amendment to the Regional Agreement setting forth the terms by which the town seeking to withdraw may withdraw from the District. To this end, the Regional School Committee on July 7, 2015 voted to submit the enclosed Amendment to the member towns for their approval.

Thus, I am writing to request on behalf of the Minutemen Regional School Committee that the Board of Selectmen include in the warrant for your town's next annual or special Town Meeting an article calling for the acceptance of the enclosed Amendment. For your convenience, we are also enclosing the draft of a possible warrant article that you can consider utilizing.

Please understand that this Amendment, as well as the withdrawal of the Town of Wayland from the District, will only occur if all sixteen of the current member towns of the District, as well as the Commissioner of Education, approve this Amendment.

Please feel free to contact Superintendent Edward Bouquillon, who would be happy to provide whatever further information you or the other Selectmen might desire. Thank you for your cooperation.

Sincerely,

David Horton, Secretary
Minuteman School Committee

cc: Adam Chapdelaine, Town Administrator
Enclosures

Approved by Minuteman School Committee 7.7.15

Amendment to Minuteman Regional Agreement regarding the Withdrawal of
The Town of Wayland from the Minuteman Regional School District

Whereas the Wayland Town Meeting voted on April 15, 2015 to seek withdrawal from the Minuteman Regional School District, and whereas Section IX of the Minuteman Regional Agreement requires the Minuteman Regional School Committee under such a circumstance to draft an amendment to the Regional Agreement setting forth the terms by which a town seeking to withdraw may withdraw from the District, the Regional School Committee voted at a meeting on July 7, 2015 to submit the following amendment to the Regional Agreement to the member towns for their approval.

Amendment No. 4 to the Minuteman Regional Vocational Technical School District Agreement

1. The references to the Town of Wayland will be stricken from the prefatory language of the Regional Agreement as well as from Section I and from wherever else a reference to Wayland appears in the Regional Agreement.
2. The Town of Wayland, even after the date that its withdrawal becomes effective, will remain responsible, consistent with the terms of Section IX of the Regional Agreement, for its share of the indebtedness of the District which is outstanding as of the effective date of Wayland's withdrawal.
3. Pursuant to the terms of 603 CMR 41.03, assuming that the approval of this amendment has been voted by the town meetings in all of the member towns, as well as having been approved by the Commissioner of Education, by December 31 of a given year, the effective date of this amendment and the effective date of Wayland's withdrawal will be the July 1 following that December 31 date.

Article _____

To see if the Town will accept and approve the “Amendment to Minuteman Regional Agreement regarding the Withdrawal of the Town of Wayland from the Minuteman Regional School District” which was approved by the Minuteman Regional School Committee on July 7, 2015 and which has been submitted to the Board of Selectmen consistent with the current Minuteman Regional Agreement.



Town of Arlington, Massachusetts

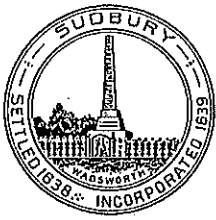
Opposed to 628-Student School and District Wide Election

Summary:

Len Simon, Sudbury Board of Selectmen

ATTACHMENTS:

Type	Description
 Reference Material	Correspondence from Sudbury Board of Selectmen



TOWN OF SUDBURY

Office of Selectmen
www.sudbury.ma.us

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776-1843
978-639-3381
Fax: 978-443-0756

Email: selectmen@sudbury.ma.us

July 20, 2015

Dear Boards of Selectmen,

As you know, the Minuteman Regional Vocational Technical High School is moving ahead with plans for a new 628-student building and a district-wide vote to finance the new building.

In addition, Minuteman is applying to the Massachusetts School Building Authority (MSBA) for funding for the new building. MSBA will be discussing funding a new school on August 6, and will be able to distribute written comments received by July 30 to the members for consideration during this discussion.

The Minuteman School Committee will discuss and possibly vote on the district wide election at a special meeting on September 8, 2015.

Several towns in the Minuteman District have already voiced their opposition, in various forms, to both the 628-student school and the district wide vote. By my count, there are at least six such towns, including Sudbury.

On July 14, 2015, the Sudbury Board of Selectmen voted a position including these two summary points:

- The Sudbury Board of Selectmen opposes Minuteman's proposed 628-student building project.
- The Sudbury Board of Selectmen opposes the district-wide election proposed by the Minuteman School Committee and the Minuteman School Building Committee.

You should have received a copy of this position or will receive it shortly.

At our July 14 meeting the Sudbury Board of Selectmen felt it would be persuasive for those Boards of Selectmen in the Minuteman District that are opposed to the 628-student school and the district wide election to deliver a unified message conveying that opposition to the Minuteman Administration, the Minuteman School Committee, and the MSBA. We believe a single document, signed by the district town's Boards of Selectmen, would be more persuasive than separate documents and would demonstrate a unified position and common concern. Such a document could not easily be ignored by Minuteman, or the MSBA, and could serve as a valuable reference point in future discussions and meetings.

Time is of the essence.

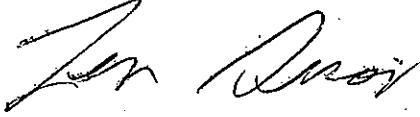
Sudbury is offering to host a meeting of representatives of the several Boards of Selectmen to discuss positions upon which we can agree concerning the building size, the district wide elections and other related Minuteman issues on Monday, August 3, at 7:30 PM at our Town Hall. Sudbury will be represented by one or two of our five selectmen at the meeting.

Please address any questions and concerns to: boardofselectmen@sudbury.ma.us

The contact selectman for Sudbury's Board of Selectmen for this meeting is Len Simon. Phone- 978-443-4206.

Thank you for your attention to the above.

Very truly yours,

A handwritten signature in black ink, appearing to read "Len Simon", written in a cursive style.

Len Simon
Sudbury Board of Selectmen

To: Minuteman Administration, Minuteman School Committee, Minuteman School Building Committee

We, the undersigned Board of Selectmen of the Minuteman Vocational Technical High School District:

Oppose Minuteman's proposed 628-student building project.

Oppose the district-wide election proposed by the Minuteman School Committee and the Minuteman School Building Committee.

Arlington Board of Selectmen:



Town of Arlington, Massachusetts

Victoria Road Traffic Concerns

Summary:

Liz Bilafer, 15 Victoria Road

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Reference Material	Bilafer correspondence, meeting notice

My name is Liz Bilafer - my husband, John, and I have resided at 15 Victoria Road since July 1967. Through the years we have had a few "traffic" problems and the town has helped us solve them, e.g. heavy trucks would use it instead of going to the traffic light at the corner of Mystic and Summer - Result: a "No trucking" sign was placed at Victoria and Summer; Since it is a one-way street, we asked for and received more obvious signage on Mystic Street; There have always been a lot of children in this neighborhood, and since Victoria Road seems to be a shortcut/speedway for a lot of drivers, we asked for and received a caution "Children" sign

We are now asking for something that in the past were told couldn't be done because "there were not enough accidents!" We would like **STOP** signs at Johnson Road as it intersects with Victoria Road. We may not have a lot of accidents (although we had one last week) but we can't count the number of "near misses". Someone is going to get killed at that corner.

The problem is worse now because of the two playing fields (Arlington Catholic & Buzzell Field) neither of which have parking areas. As a result, folks park on both sides of Summer Street, Brookdale Road, Johnson Road and Victoria Road. It is a nightmare! We who live in the neighborhood know enough to proceed with caution and even come to a complete stop when coming to the intersection of Johnson and Victoria, but strangers do not even slow down, but go straight across. There is also the problem of drivers coming the wrong way on Victoria Road. Many more people do it when there games being played at the fields.

We are asking for some help from your Committee to explore (1) the placing of **STOP** signs on Johnson Road at the intersection of Victoria Road. (Does the Commonwealth of Massachusetts have to approve this?) (2) Look into "No parking here to the corner" signs on Victoria at Summer leaving one space to make the turn easier. (People park right at the corner hanging onto Summer Street).

I appreciate your taking the time to read this and hopefully look into our problem. If you wish my presence at one of your meetings, I am happy to do so.

Sincerely,

Liz Bilafer, 15 Victoria Road, Arlington, MA 02474 781-648-0697 jlbilafer@comcast.net

OFFICE OF THE BOARD OF SELECTMEN

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730 MASSACHUSETTS AVENUE
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TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

August 11, 2015

Liz Bilafer
15 Victoria Road
Arlington, MA 02474

Dear Mrs. Bilafer:

We are in receipt of your correspondence in which you discuss traffic concerns on Victoria Road.

Thank you for writing to the Board of Selectmen. Your correspondence will appear on the August 17th Selectmen's Agenda under "Correspondence Received". Although it is not necessary for you to attend the meeting, you may do so if you are so inclined.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,
BOARD OF SELECTMEN

A handwritten signature in cursive script that reads "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator



Town of Arlington, Massachusetts

NEW BUSINESS



Town of Arlington, Massachusetts

EXECUTIVE SESSION



Town of Arlington, Massachusetts

Next Scheduled Meeting of BoS September 21, 2015